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PART 2 TRAFFIC SAFETY

HEARINGS
BEFORE THE
COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES
EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

H.R. 13228

AND OTHER BILLS RELATING TO TRAFFIC SAFETY

MARCH 15, 16, 17; APRIL 26, 27, 28;
MAY 3, 4, 5, 10, 11, 12, 13, 1966

Serial No. 89-38

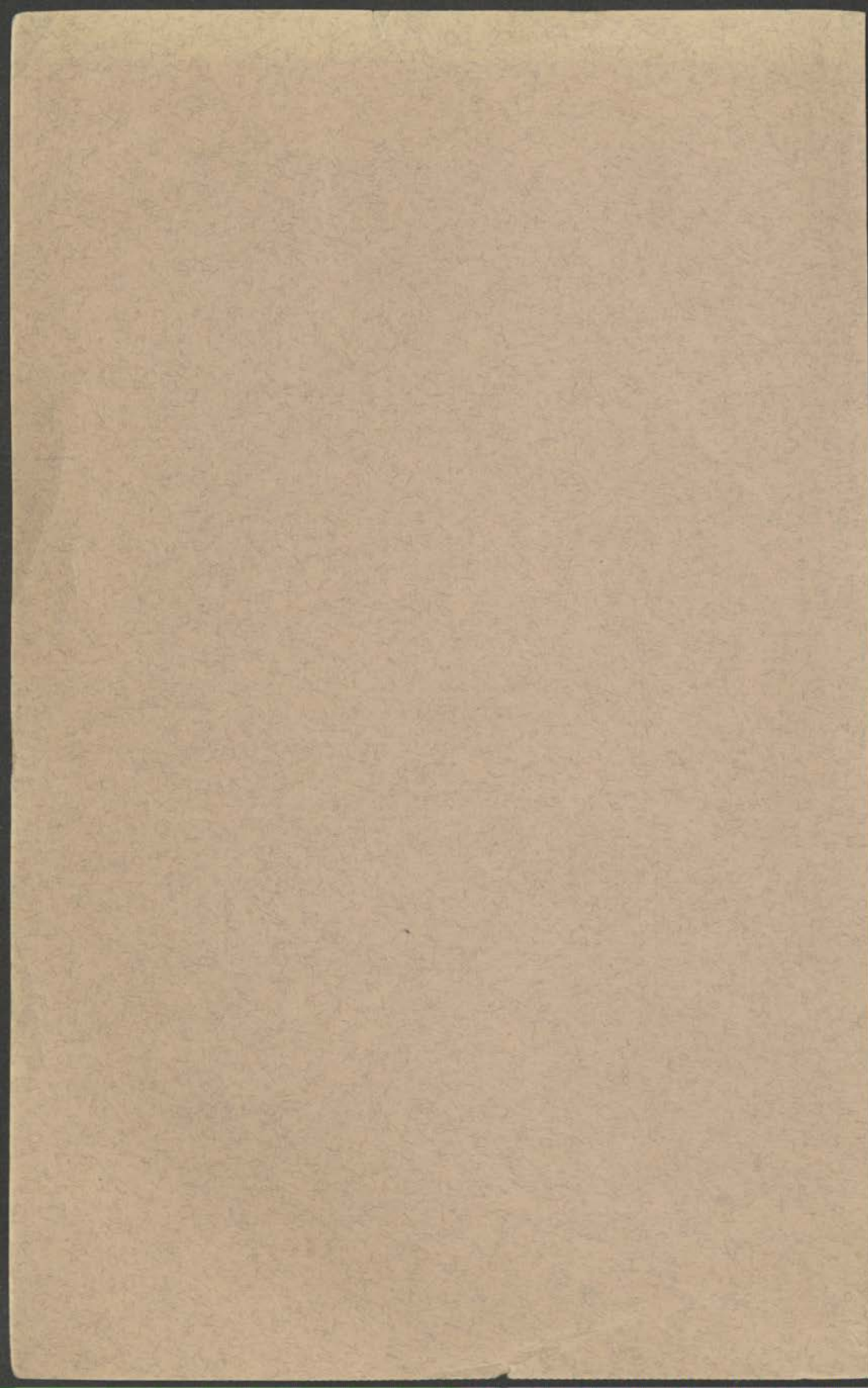
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TRAFFIC SAFETY

TUESDAY, MAY 4, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to recess, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

The CHAIRMAN. The committee will come to order.

We will resume this hearing on H.R. 13228 and related bills. The first witness on our agenda this morning is one of our colleagues, the Honorable B. F. Sisk of California, who is here only to introduce a future witness who will appear later in the day.

Congressman Sisk, will you introduce your constituent?

I might say to your constituent that we have one of our hardworking Congressmen here is Congressman Sisk. He has always been interested in the affairs of his district.

We are glad to have you with us, Mr. Congressman. If you will introduce our guest, he knows he will not testify now, but later in the day.

STATEMENT OF HON. B. F. SISK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. SISK. Thank you, Mr. Chairman. I am grateful to you and members of the committee for having this opportunity here this morning to introduce this gentleman. I unfortunately have meetings later on. I appreciate your making this possible.

Mr. Karl Smith is a constituent of mine from California. He is a man who has been very deeply interested and concerned for several years in automobile safety. He has done a great deal of work in this field.

I had the opportunity last fall to drive an automobile which he has designed which I think is worthy of far more consideration than he has so far been able to receive through his contacts with the various committees, Mr. Chairman, so I again want to express appreciation that your committee has made it possible for Mr. Smith to appear—I understand later in the day, possibly this afternoon—and explain to you what his approach is and to outline some of the experiences he has had in attempting to get some consideration through the various safety committees.

I have been deeply impressed with his sincerity, with what he has been able to do, with his achievement, and the fact that he has invested a lot of his own funds in something that I think is really well worth taking a look at.

Thank you, Mr. Chairman.

This is Mr. Karl Smith, from Fresno, Calif., who has driven across country at his own expense to be here and to have this opportunity to present this testimony.

The CHAIRMAN. Thank you, Congressman. We will be glad to hear Mr. Smith at the proper time. He is listed in our list of witnesses.

I might say to you, Mr. Smith, that your Congressman has talked to me at different times about the merits of what you are going to talk to us about. He is very insistent in his contention that it is worth while. We are looking to all approaches on this question, so we will be glad to hear you at the proper time.

Mr. SPRINGER. May I say that Mr. Sisk has talked to me about this. We are delighted that you have taken all this time to come at your own expense all this way to give us some benefits of the thoughts that you have given to this problem. We wish to thank Mr. Sisk for coming here and introducing you to the committee.

Mr. SISK. Thank you, Mr. Chairman.

The CHAIRMAN. Yesterday we had before this committee a distinguished witness, one of our U.S. Senators, the Honorable Paul Fannin.

Senator, will you take the chair and give us the benefit of your views? We are glad to have you with us. We are sorry that we didn't finish yesterday.

STATEMENT OF HON. PAUL FANNIN, A U.S. SENATOR FROM THE STATE OF ARIZONA—Resumed

Senator FANNIN. Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to have testified before you. I had a prepared statement which I understand will be entered in the record.

The CHAIRMAN. Yes.

Senator FANNIN. I can either continue with that, or I can just answer questions or give you information that I have gathered over the years.

First, I would like to say that I have been working in traffic safety in connection with trucking, and also as a members of a safety committee since the Arizona Safety Committee began back in the early 1950's. Then I served as chairman of the National Governors' Conference on Roads and Highway Safety, and also as chairman of the Western Governors' Conference which involved traffic safety. During the period of time I was in that office, we inaugurated the interstate compact and followed through including the privilege of chairing the meeting when this organization was adopted and accepted and the program started.

So I appreciate very much the opportunity to relate to you the importance of this compact. The work has been done by the States, with full recognition that we need a Federal-State program.

The CHAIRMAN. Senator, we are doubly happy to have you because of your experience. Could you briefly summarize your statement for us, the essence of it?

Senator FANNIN. Yes, I will be pleased to.

The CHAIRMAN. It is in the record and will be available to every member before we start marking up this bill. A witness with the background that you have had, if you would care to summarize, we would appreciate it.

Senator FANNIN. Primarily, I wanted to emphasize that the 44 States have accepted the commission, that we feel that with the legislatures meeting next year, and the ones that will be meeting this year, we will have, or there will be, the 50 States involved; also, that some of the proposals—of course, I covered yesterday the first proposal which was on tires. Their first work was on that endeavor. They have not been underway any great length of time. The funds available were limited to start the program. In fact, the history of previous efforts at the State level to win approval of such safety equipment, turn signals and seat belts, I think illustrates just what has been done by the Vehicle Equipment Safety Commission, but I would like to just cover the tire performance standards.

V-1 is now in the process of being considered by the respective member States. In this connection, I am pleased to note that several of the States have speedily adopted this regulation, and I am confident that others will shortly follow suit.

Now, of course, we realize that we will not have the support of the industry, nor will we have the overall results until we do have a number of the States that have adopted this particular regulation. We could say that if one State, such as California or, say, New York, would adopt this particular procedure, and the industry tried to operate without accepting it would be a great problem for them.

Naturally, what I hope will result is that we will have the Federal Government and the States working together, and the Federal Government, the agencies, will benefit by all of this work that has preceded their activity.

When you have approximately 40,000 employees throughout this country working on what we are talking about, working on these programs, then I feel that we should take advantage of that great activity. I realize that we have not accomplished our objectives until we eliminate the great hazards that we have on our highways—not only equipment, but also the highways and the drivers.

I don't try to take a stand that you are going to accomplish this objective overnight. We know that the Federal Government cannot, the States cannot, but we know that a program together will result in great benefits. So, Mr. Chairman, rather than to go through this complete statement and to take up your time, it has been filed, I would just like to say that my objective in coming before you is to emphasize what can be gained by cooperation with the Vehicle Equipment Safety Commission group.

They are dedicated people. When we started this program it was done voluntarily, it was done on the basis that there was a great need. Senator Collier, the State senator of California, a fine leader in California, assisted in this program. The two of us worked as cochairmen at several of the meetings. We were very desirous of trying to attain an objective that we all have, and that is to save lives and to prevent accidents and injuries on the highways.

I had the privilege of coming back here and meeting with Congressman Roberts, who was very active in this program. I met with him several times. We discussed what could be done cooperatively by the Federal Government and the States. So I have never been against a Federal-State program; in fact, we have advocated that and tried to get the Federal Government more involved, the Bureau of Public Roads.

I would just like to explain that we inaugurated a program in Arizona. We called it first Highway 66. We made a great number of inquiries of people traveling through our State. It started with just the State of Arizona, but to give you an idea as to the extent of this program and why I say this can assist greatly and the information which has been involved will be of great benefit to you in your considerations, I would just like to refer to the number of contacts that were made.

In June, July, and August of one year, a total of 121,842 contacts were made in which people filled out the required form. It is a very complete form. This averaged out to over 1,300 contacts a day. This information is being correlated and some has already been correlated and it is a program where the Bureau of Public Roads, the State highway departments, are working together.

Then we went a little further than that. The State of Arizona had the cooperation of the State of California, their highway department. They worked on different factors of safety. One which we are discussing now is tire failure. So in these investigations of accidents, they tried to determine just what took place.

Then we had a program that was carried through another summer and throughout the States on Highway No. 66 all the way from Los Angeles to Chicago. This was a very extensive program in which we had the cooperation of the other States through which Highway No. 66 travels.

So in presenting this to you, I just bring out what has been done. I can just briefly cover many of the efforts that have been put forth by the State governments, but to bring to you the advantage of the vehicle equipment safety compacts where all the States are working together and coordinating with the Federal Government.

As I stated, the objective was to bring the Federal Government into this program to a much greater extent. So I would just like to summarize my recommendations, and that is that you give full consideration to what can be attained, what can be gained by the Federal Government, the Bureau of Public Roads, and other agencies working with the Vehicle Equipment Safety Commission group because they are representing the States. They have a tremendous reservoir of power to carry through a program.

I think it would be a great mistake if we started a Federal program which would take time and realize that the Vehicle Equipment Safety Commission takes time; but to start a program all over and not to utilize what has been done in the past, I think, would be a great mistake. Mr. Chairman, that is my plea to you.

The CHAIRMAN. Thank you, Senator. The essence is that you do believe in Federal-State cooperation in trying to get this job done.

Senator FANNIN. I certainly do.

The CHAIRMAN. Do you believe, then, that someone has to set some kind of standards, perhaps, that would be nationwide as guidelines?

Senator FANNIN. That was our objective in the equipment compact, to have all 50 States join together and then to set these standards and to work with the Federal Government on these standards and to obtain assistance, both from the standpoint of guidance and counseling of the different agencies, work with the Bureau of Public Roads. We do that with our highway construction program.

So I am not trying to remove the Federal Government at all. I am trying to bring the Federal Government into the proper perspective.

The CHAIRMAN. And utilize all the State employees that are now in this business. Some of them are experts.

Senator FANNIN. Yes, sir.

The CHAIRMAN. Because the Federal Government just could not do the whole job.

Senator FANNIN. That is right. The many members of the State legislatures that have given years and years. I can think of some of them that have been on the President's Committee that have worked diligently on this program. I think the results of their efforts should be utilized.

So as I say, and I put it on the basis of a plea because I think it is just that, to help coordinate the efforts here and to not just discount what has been accomplished in the past. I can relate in many instances what has been done because, as you very well know, the equipment has been approved by the different State legislatures as time has gone on.

We started out with the two-wheel brakes, went to the four-wheel brakes, went to different lights, and I could enumerate many of the programs that have been beneficially adopted by the States. We have raised the standards through State action.

My objective is to save lives. I feel we should utilize every effort possible and utilize all the facilities available to accomplish that result.

The CHAIRMAN. Senator, I want to assure you that that is the objective of this committee, too. We are going to work assiduously toward that end.

I want to say again, we appreciate your coming over. Now I would like to ask just one further question.

I notice you brought in all three elements—the car, the road, and the driver.

Senator FANNIN. Yes, sir.

The CHAIRMAN. That is in this bill. Do you then agree with the fundamental principles outlined in the bill?

Senator FANNIN. Mr. Chairman, I have read the bill very carefully. I know there will be changes made. I would say as far as the bill is concerned, I do not feel that you have brought the States into the program to the extent that I think is advisable. Because of my work at the State level, and my participation in the compact and all, I just feel that you could take advantage of that tremendous amount of service that has been rendered to a greater advantage.

The CHAIRMAN. Thank you very much. I agree with you on this, that we need the fullest utilization of every agency and group to do this

job, the best job that can possibly be done. I believe that is the intent of this committee, to do that.

Mr. Friedel?

Mr. FRIEDEL. Senator, I want to compliment you for the very fine statement you made yesterday and today. I was very much impressed with your background and your activity in traffic safety.

The first thing you spoke on was tires. The other thing you spoke on was driver education. I think these are very, very important. You also said the driver behind the wheel is another aspect of safety. I think proper education through these driving schools will be very helpful.

Our committee 10 years ago was convinced that 85 to 90 percent of all the accidents were caused by the human element, the driver.

I compliment you on a very fine statement.

Senator FANNIN. Thank you, Mr. Friedel.

The CHAIRMAN. We are going to change the procedure for just a moment. We have a distinguished visitor in the audience, but I am not going to call on him until after the next Congressman has asked questions. He has another appointment, so at this point I would like to call on Mr. Younger, of California, if he has any questions of Senator Fannin.

Mr. YOUNGER. Governor, you remember we were discussing yesterday the cause. One point I can't understand is the vehicle equipment safety commission was created in 1958. This is 8 years ago. The only action which the records show is that they did approve a tire standard. I am just wondering how much cooperation we can get from that group if they have been inactive for so long.

Senator FANNIN. Sir, may I just say this: You are talking about the Beamer resolution in 1958. But as far as the compact and the commission, that, of course, was not brought about until 1963 and 1964. In other words, we started the compact before that.

The Western Governors' Conference took the lead, California and your very prominent Senator Collier was instrumental in getting a great deal of this underway, but they have not been in operation since 1958. In fact, it has just gotten underway. I would say it has taken this amount of time for the legislatures to act, but now that they have acted, 44 of them have acted, then we can look forward to results, I think, in far greater speed.

I do not think that this is any indication—first of all, we must educate the different Governors. I have made many talks before the Governors' conference on the importance of this program. The Federal Government, unfortunately, has not really taken a part, an important part, other than your committee, to my knowledge, until just in the last few years.

When I met with Congressman Roberts and discussed with him how the Federal Government could do more, there was great interest from his standpoint, from your committee's standpoint. But from the standpoint of other agencies of the Federal Government there was very little interest until just recently. Now the great emphasis has come about in the last year.

Mr. YOUNGER. As of now, though, they do not have a set of standards to recommend other than the tire standards.

Senator FANNIN. Of course, they are working on other programs. They have had just a few months, really, now, to get their organizational work underway, to get the procedures adopted, whereby they can go forward.

Mr. YOUNGER. Do they have a staff?

Senator FANNIN. Yes, but, of course, it has been very limited. In fact, we could not even start out—when we first adopted this program, we did not have the funds for a staff. This is where all of us should cooperate. In other words, the funds should come from the States, and from the Federal Government. The amount of money that should be spent on this program is fantastic. I notice that the funds that you have stated in the bill, they are minimum funds as far as I am concerned, compared to what can be done and what should be done.

We have human lives at stake. You just cannot put a price on what should be spent. At the same time, we realize that it cannot all be in one area. We could build the most perfect car and have it where it would protect the driver and he could roll that car over and be safe, but that is not protecting the other car nor is it protecting the pedestrian or the other people who might be involved in an accident.

So we have a great problem in that respect. All I am trying to do is coordinate the effort and to answer your question, really this commission has not been underway but a short time.

Mr. YOUNGER. I am for cooperation with the States because so much of this depends on the State work.

Senator FANNIN. That is right.

Mr. YOUNGER. In other words, the State has the licensing of the driver, the inspection of your old cars, which is probably the nub of this whole thing.

Senator FANNIN. Yes.

Mr. YOUNGER. And that must rest in the States. I just question whether or not that organization can be of much help to us depending on what has been the results heretofore.

Senator FANNIN. Sir, I feel it can be of tremendous help. I visualize just the magnitude of this problem. When we start talking about what you have brought up, the maintenance of this car, then we could start talking about retreads. Look at the number of firms that would be involved that would need to be supervised that could properly be supervised by, say, the highway department or a division of the highway department, whereas, if the Federal Government gets involved, you would have so much duplication that the cost would be many, many times over what it will be if we can adopt a Federal-State program.

Mr. YOUNGER. That is right. Thank you very much.

The CHAIRMAN. Mr. Dingell, do you have any questions?

Mr. DINGELL. No questions. Thank you.

The CHAIRMAN. Mr. Nelsen?

Mr. NELSEN. Thank you, Mr. Chairman.

I would like to thank the Senator for his very, very good statement and his broad perspective on the whole problem of traffic safety.

In the hearings up to this point, great emphasis has been placed on the vehicle on the road and a lesser degree of attention has been directed to the highway and traffic markings which will become a part of

the total package, as I understand it, and also the Bureau of Public Roads does direct attention to highway marking.

Only recently some information has come to my attention that I think you might wish to comment on, and I believe it should be a part of the record, but the Traffic Review Digest in 1959 in the State of Iowa showed that 63-percent reduction in improper passing resulted from better marking.

The Michigan State Highway Department in two different tests indicated that a reduction of 28 percent and 39 percent respectively in highway delineators reduced night accidents. In the Virginia study, it indicates a 57-percent reduction and a 67-percent reduction in accidents by better marking.

Then we go on and we discover that, of course, under the Bureau of Public Roads, the Secretary of Commerce, under the law of the land, has the authority to set up some standards, uniform standards, but then I learned to my surprise that in the road systems of our country only 13.9 percent of the 576,000 miles of State roads are included in some kind of marking standards and 81 percent of the 1,875,000 miles of county roads are included.

It also shows that the accident ratio per 100 million miles of travel indicates that on State highways that are well marked, there is a 90.4 accident ratio as compared to 164.8 on the secondary and county roads. I mention this because I am sure that your study of this whole problem would indicate a similar trend and, of course, to effectuate a program it seems to me we need to have more emphasis on better marking of all of our roads to prevent accidents.

I would like to have your comment on it.

Senator FANNIN. I wholeheartedly agree with you that we must have better markings. I would like to say that in the report that will be forthcoming as a result of the extensive studies that were made by the Arizona Highway Patrol and in cooperation with California and other States along the route from Los Angeles to Chicago we will have, I think, some informative data in that respect.

We have made studies in the State of Arizona regarding center lines, ridged center lines, also what could be done to alert a driver when they moved too far to the right on the highway where they would be in danger of running off the highway, especially on our interstates, where fatigue is a factor. But one of the great problems is to obtain the amount of money that would be necessary to build this in the highway. It does increase the cost, so we have tried to estimate what results would accrue in relationship to the amount of money spent in that regard as compared to what you could do in other types of activity.

Of course, proper markings, uniformity, is tremendously important. The new devices that they have brought forth as far as your signaling and all are important. This has all been a part of the study that has been made not only by our highway department, but will be a part of the Commission's work. So these 40,000-odd people that are involved throughout the United States that are correlating this effort would certainly be involved in what you are discussing. It is a very important factor in the cause of safety on our highways.

Mr. NELSEN. It would seem to me that if we are to project the Federal Government into standards as to vehicle construction, and

there may be great merit in that respect, it would seem doubly foolish on the part of the Government of the United States where Federal money goes into the construction of highways if the accident ratio is tied directly into proper marking.

It would seem to me there would be greater justification where Federal dollars do go that a certain amount of this be identified for proper marking of the road in view of the very sorry record that we find in some of the secondary roads that may have some Federal money involved and certainly in almost all State roads or State gasoline taxes allocated back, from the Federal to State, there could be some interrelated incentive program to get better marking.

I am glad that you have made the comment that you have, because some of these things certainly come as a surprise to me.

Thank you very much for your fine statement.

Senator FANNIN. Thank you.

The CHAIRMAN. Congressman Pickle.

Mr. PICKLE. Thank you, Mr. Chairman.

Senator, as one member of the committee, I welcome your view that we ought to bring our States in on this in establishing these guidelines. When these hearings first opened about 7 weeks ago in the House, I was one who insisted that we get the views of the State.

Finally, the Secretary of Commerce did write to the various States to get information about the conduct of various traffic laws and safety laws in their States.

I am shown this morning a preliminary report of a letter written to Chairman Staggers here from Secretary Connor which lists the results of the general survey. They have broken it down into some 9 or 10 areas. I could not help but observe that the survey with reference to statistics of a State traffic program and includes such items as the driver's performance, vehicle safety, traffic control, survey of manpower, but does not contain any general comments about how the States think they can properly fit into this picture.

I mention this because you may want to ask the Secretary of Commerce to show to you the result of the survey that they have received thus far.

Now, I judge from your comments you think the best way for the States to work would be through the VESC?

Senator FANNIN. Yes, sir.

Mr. PICKLE. This would be perhaps after we get the standards established as I see it. How can we bring them in at this level, to be a partner in the consideration of establishing these standards?

Senator FANNIN. Congressman, I would say this is where they could be of valuable service to your committee and to the Bureau of Public Roads and to the Department of Commerce in the great studies that they have made, the research that has been accomplished over the years. So, if they are not brought in now I am afraid that we will perhaps adopt a program that is not as comprehensive, not as complete as would be possible if the Vehicle Equipment Safety Commission is utilized because this has been their work.

In many respects some of the Federal agencies are starting anew whereas the States have had years and years of experience. You have the members of many of the State legislatures that could be of valu-

able service. But to my way of thinking these should be coordinated through the Vehicle Safety Equipment Commission. That is the understanding with now 44 States and I am sure that all 50 will agree to this arrangement within a very short time.

Mr. PICKLE. It may be the proper vehicle, Senator. We will have to pump new blood into it because they are mostly a paper organization thus far, but it might be the vehicle. I do agree with you that we ought to bring the States in on this in establishing these vehicle standards. They are the ones who will have to carry this out. Otherwise, we will have standards with no enforcement.

Senator FANNIN. To answer your question further, if we will take into consideration what has been accomplished, Federal-State to date, the Federal Register, it so happened that Congressman John Rhodes of Arizona was the one who introduced this particular matter, also our highway superintendent, highway patrol superintendent, Greg Hathaway, was the one who made a study of it.

They are going forward now with a very extensive program for a development of information that will be disseminated throughout all of the States, but the central register, of course, will be under Federal control.

We feel that this is an indication of what can be accomplished. In some instances it will necessitate additional work by the Federal Government. In many instances this work is already underway and it has been accomplished in the past by the State programs. This could all be coordinated through the Vehicle Equipment Safety Commission.

Mr. PICKLE. Thank you.

Mr. FRIEDEL (presiding). We have a long list of witnesses. We will have to adhere strictly to the 5-minute rule. Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Senator, I would like to commend you on a very fine statement, particularly your support for the Vehicle Equipment Safety Commission and the continuation of their work. I am glad to see and I am not surprised that you have joined the emotional stampede that the Federal Government can solve all problems with another \$4 billion or \$5 billion program to save the American people from themselves.

I know you have a very fine record as Governor of Arizona and you have been interested in highway safety, and it parallels my very fine Senator Lausche of Ohio when he issued a statement on Monday of this week in which he apparently shares the same views that you do that the States should not be lost in this particular role and that the possibility of some defects at the manufacturers level may be a problem, but there is a larger overall problem here, particularly involving the drivers rather than just manufacturing defective equipment.

I thank you for what you have contributed to the record.

Senator FANNIN. Thank you, Congressman.

Mr. FRIEDEL. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

I wish to thank you for this fine statement. I would like to comment on two things. One is that in my part of the country there is not a single employee of any State that I know of that has any legis-

lative assignment to know anything about an automobile and what makes it safe.

I think that we are kidding ourselves to think that there is any great resource back in the States that can give us the sophisticated engineering advice involved here. I think when you talk about the States arriving at national safety performance standards you are talking about going back to the Articles of Confederation in terms of getting a thing done that is fairly urgent for the safety of the American people.

On the other point, the research and development and the development of State safety programs, I am wholly in accord with you that the States are the ones that have to build the environment because that is where the environment is, back in the States. But the States have got to set their house in order. I met with the General Safety Traffic Committee during the recess in Georgia. I found the picture there as stated by the members of that committee just as bad as we find it in the National Government now where there is no assignment of responsibility, where there is no coordination between the department of education and the department of health, and the State highway patrol.

I don't think we can let it go just as simply as saying we need to consult with the States. The States have to get their house in order and have a coordinated attack on the subject of traffic safety.

There have been a few Governors like yourself and Senator Ribicoff that have done this. But the picture in the States is bleak at the present time in terms of a coordinated attack on traffic accidents. I could not agree with you more that we ought to make the term "creative federalism" a reality but it has to be creative. There is not something good there now that we can pick up. There is an opportunity to do a job, in my opinion.

Senator FANNIN. Congressman, I certainly agree with you that some of the States have not come forward but that is the reason we have the Commission, the Vehicle Equipment Safety Commission, that is the reason it was adopted, to bring the States into the program, to emphasize to them, and I have made many talks on traffic safety in Governors' conferences, to emphasize to them the importance that the Governors take a lead in this matter, that their highway departments take the lead.

I can just say this, that our State of Arizona, and I certainly cannot take credit for this because it was done by the Motor Vehicle Division, it was done by our highway patrol superintendent, but we have had extensive surveys. When I say that we took over Highway 66 through our State and assigned for 60 days a patrolman every 20 miles. So, we have performed a service that would be very difficult for the Federal Government to perform.

We were working on safety, we were working on the mufflers; checking carbon monoxide in the car, checking the tires, the condition of the motor vehicle. When an accident occurred we called our health department in. They cooperated with us. Our vital statistics department cooperated.

So we did have a coordinated plan. California assisted us on this. Then we brought the other States along Highway No. 66, which is the

highway going from Los Angeles to Chicago. Those were run on one program. Now we have the 44 States that are involved. The 50 States will soon be involved.

I would agree with you on one part, then I would disagree with you on another, that I feel a great deal can be done by the States, is being done by the States and will be done by the States if the Federal Government cooperates as I think they should, so that we can have this Federal-State relationship that will accomplish to the greatest extent possible the objective we are all interested in.

Mr. MACKAY. Mr. Spitz, the chairman of this VESC, testified yesterday. He agreed with me that the legal mandate to this compact group is purely the vehicle. Isn't that true?

Senator FANNIN. The legal mandate—yes——

Mr. MACKAY. The vehicle equipment.

Senator FANNIN. Safety commission.

Mr. MACKAY. Don't we need this State compact approach to deal with the total traffic environment rather than just the vehicle itself?

Senator FANNIN. We are. This is not just the vehicle. In fact, the vehicle is just one part of it. We are working on as far as the highways are concerned—when I was in the office the intent of the Commission, and as I say, I chaired the meeting when this was started in Montreal, Canada.

Mr. MACKAY. The legal definition of responsibility is vehicle equipment. Isn't that true?

Senator FANNIN. I wouldn't say that the intent is for just vehicle equipment. Of course, the push was from that standpoint. There is a great need that existed from the vehicle. I would certainly agree with that. It is not only the vehicle that comes off the manufacturing line; it is the vehicle that is on the highway.

We have great problems in that regard of, first of all, we must build the vehicle properly. Equally important, we must see that the vehicles that are on the highway are safe and that they are inspected regularly.

It is of no great consequence if we disregard a wornout tire and we insist on a tire being manufactured properly to begin with. Because if that properly manufactured tire is worn out it is still a great hazard.

Mr. MACKAY. The only point I am making is that the compact in the light of what we now know may need considerable revision to deal with the total phenomenon rather than just one phase.

Senator FANNIN. I agree that the program should be expanded. The Commission program, the compact, I don't mean to put them together but of course it all came from the compact and now the Commission, we need to bring the Federal Government in to a greater extent. In fact, that was the desire.

Mr. MACKAY. Thank you very much, Mr. Chairman.

The CHAIRMAN. Mr. Curtin?

Mr. CURTIN. Thank you, Mr. Chairman.

Senator, I appreciate your contribution to this session today. I am sure you will agree that there are some States that have very realistic regulations for inspection and also effective enforcement laws.

I know in my State of Pennsylvania we have periodic inspection of all automobiles which, I might add, is a rigorous inspection. Unless your windshield bears a current sticker, showing that the car complies with the regulations, you can't drive that automobile on the highways of Pennsylvania. If all States had the same, there might not be the urgency for this legislation.

Senator FANNIN. Your State can take great pride in furnishing leadership for this overall program and was the first State to adopt the safety program, especially the inspection program.

We point with pride and we send our people to your State for a model as to what should be done.

Mr. CURTIN. Thank you, Senator.

The CHAIRMAN. Mr. Gilligan.

Mr. GILLIGAN. No questions.

The CHAIRMAN. Mr. Cunningham.

Mr. CUNNINGHAM. No questions.

The CHAIRMAN. Mr. Farnsley.

Mr. FARNSLEY. No questions.

The CHAIRMAN. Mr. Broyhill.

Mr. BROYHILL. No questions.

The CHAIRMAN. Mr. Satterfield.

Mr. SATTERFIELD. No questions.

The CHAIRMAN. Mr. Ronan.

Mr. RONAN. No questions.

Mr. DINGELL. Mr. Chairman, I do have a couple of questions I would like to ask.

The CHAIRMAN. I notice we have another member present. I would like to call on him. Mr. Moss.

Mr. MOSS. Mr. Chairman, I have not had the pleasure of hearing the Senator's testimony. I would like to find a copy of it if I could so that I could benefit from it. I will read the record and apologize for my not being present when he testified.

Senator FANNIN. Congressman, in my testimony I referred to your State and to Senator Collier and other senators and members of your legislature that have assisted greatly in this program.

Mr. MOSS. Thank you.

The CHAIRMAN. Mr. Dingell.

Mr. DINGELL. Senator, I have had an opportunity to peruse somewhat your comments to the committee. Am I correct in understanding that the thrust of your comment is that we have to leave a large portion of the responsibility in regard to automobile safety to the States?

Senator FANNIN. By the very nature of the problem involved a great deal of the responsibility is within the States and I felt should remain within the States.

At the same time I have explained that there should be a Federal-State relationship and we have worked at the commission level, at the State level, in fact, the State of Arizona can take pride that we suggested the Federal Register, carried through, and Congressman Rhodes introduced legislation.

So, I do not maintain that the States can carry this program alone. It must be a Federal-State cooperative matter.

Mr. DINGELL. I agree with you on this point. Was it also your position that the VESC would be the device and vehicle for accomplishing this end?

Senator FANNIN. From the standpoint of the States they are in the best position to speak for the States. They have the contacts with the other States. It would alleviate many problems if the work is done through the commission.

Mr. DINGELL. I am aware of your fine record in the States. I have taken the time to study the history of the VESC. I note that it was created in 1958. I note that it was organized in 1963. This would appear that they have been proceeding with the greatest of deliberation and slowness in approaching the problem. Am I correct?

Senator FANNIN. Congressman, the commission was not adopted in 1958. The Beamer resolution was passed by the Congress in 1958. They were given the authority. This took many months of service by dedicated people such as Senator Collier in California, meetings all over the country. It was not a simple procedure.

This resulted from months and months of dedicated service.

Mr. DINGELL. It took 5 years to get the organization in being. Then I note that the first meeting was in 1964, 1 year later. I note that the first executive director who was the individual charged with the conduct of the affairs of this State was not appointed until January of 1966.

This, to me, is proceeding with deliberation of the most extreme sort. As a matter of fact, it would have taken a microscope to observe any progress at all.

Senator FANNIN. I certainly disagree with you on that. They have made progress. They did not have any funds to begin with. It took time for them to get underway. You understand State programs are not rapidly adopted.

Here when you are trying to bring 50 States in a program—they have successfully brought 44 States in the program—I think this is great progress.

If you will compare it with what has been done by the Federal Government over the years with the State government prior to that, then I think it is great progress.

Mr. DINGELL. You would say it is great progress when it took them from 1958 to 1963 to organize and complete the creation of a commission?

Senator FANNIN. You speak just because of their not having a meeting. I would say they have made progress in other ways. They did not just drop everything. Individually the members of the commission have been working diligently.

Mr. DINGELL. I just want to get your definition of great progress here, if I can. Would you say it was great progress when it took until January 1966 to select their executive director?

Senator FANNIN. The money was not available for them to carry through a program.

Mr. DINGELL. It seems to me that the heart and soul of programs of this kind is the executive director, is it not? The man who does the coordination, staff work, and coordinates the program among the several States. He is probably the most essential person in the whole organization, is he not?

Senator FANNIN. I would not say that is always true, but I would say it is very essential.

Mr. DINGELL. Can you think of anybody who is more essential?

Senator FANNIN. Let me emphasize to you we were very desirous of getting the Federal Government involved. We made contacts to try to accomplish this objective. So it is still the objective. I am not talking about what they have done in the past. I am talking about the potential that we have, what can be done with this Federal State cooperation.

So, if we just want to criticize it is very easy to do it. I think we should look at it objectively.

Mr. DINGELL. I don't propose this simply to be critical. This is not my purpose at all. I want to work out good legislation. If I am going to work out good legislation I want to put it in the hands of people who have shown both an intention to do something and ability to accomplish something. I am absolutely shocked it took this long to get organized. I am still more shocked to find that it took them 3 years to select an executive director after they were finally organized.

I don't call this progress. I call this dragging feet. I call this plainly outrageous. If you disagree with me on this point I would be pleased to have you say so for the record.

Senator FANNIN. I refer you to the legislation. How long will it take you to get this program underway?

Mr. DINGELL. We will have this legislation on the President's desk before the end of the summer.

I will tell you that when we put it in the hands of the Department of Commerce I will guarantee you that this committee will see to it that the Department of Commerce goes forward with a great deal of vigor, more vigor than I have observed with VESC.

Senator FANNIN. I refer to the legislation, I hope you will refer to it from the standpoint of the timing involved in this legislation as to when the effects come about. So, I just hope that you will refer to this, when you start criticizing the length of time it has taken the State governments to get underway. Let me say this: I am not here other than to plead with you to utilize this great resource of information that is available through the Vehicle Equipment Safety Commission, through the State government, this reservoir of ability.

So, I am not here to bring the praises on our State government. I, many, many times, have made the statement we must do more. I have pleaded with the State Governors to do more. So I accept your criticism in that respect.

Mr. DINGELL. I say to my friend and colleague that we are in agreement that this does not constitute the kind of progress we want, we want a great deal more. I hope he does not take my comments to be critical of his position or his views. I think clearly if this is the kind of progress that is going to be made in this area we can figure we are not going to accomplish very much.

Senator FANNIN. I estimate with a Federal-State program tremendous progress can be made. At the same time I feel that if we just have a Federal program without bringing the States into it completely, then you are going to have slower progress.

That is my plea to you, to bring the Vehicle Equipment Safety Commission into your program.

Mr. DINGELL. Thank you very much.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. Governor Fannin, from 1958 when the Beamer resolution was passed, neither this committee nor this Congress did one single thing up until this year. It did not have an organizational problem of any kind, did it? You were trying to get 50 States together.

Now I think the answer probably to a great deal of this problem was simply money.

Senator FANNIN. That is right.

Mr. SPRINGER. You did not have enough money to hire a director if you had appointed one. Is that not the truth?

Senator FANNIN. That is the truth.

Mr. SPRINGER. I am not trying to get any answer at all but I think we have been far more dilatory in this field than the States have. At least they have tried to go forward. But there is this one that Senator Ribicoff raised yesterday. This may be a lot of monkey's talk in terms of millions of dollars. I don't know what our committee is going to do. But he talked, I believe, in the nature of \$45 million to the States.

Do you believe that it would be helpful in view of what the VESC has done, and I am convinced that it is a good organization trying to do what is right, that if we earmark this money to go through the VESC program, which is a State program, that we would immediately bring all the other six States in who are not in? That would be the first thing that would happen, would it not?

Senator FANNIN. I feel very confident that the other six States will come in.

Mr. SPRINGER. Now, if we have a sort of a matching program this means then that the States will come up with something which will bring them immediately into the program and this could be the basis of bringing the State and the Federal into the proper relationship that we ought to have that you have been trying to tell here for this last hour. Isn't that what you have in mind?

Senator FANNIN. I wholeheartedly agree. This must be a Federal-State program.

Mr. SPRINGER. Since I have had a chance to think about what Senator Ribicoff said yesterday, I have been coming back to the VESC and the program they have undertaken, this is the only way I can see that we can bring them into this program in this cooperative relation that I think we ought to have.

There is just one further thing. Is there anything, while you were Governor of Arizona, in your research that you think is pertinent to relate to this committee, that you can think of right offhand?

Senator FANNIN. Congressman, I would like to submit to the committee some reports on the progress that was made on what I referred to as the Highway 66 Study. There are several other reports that I will submit to you and trust that they can be of assistance.

Mr. SPRINGER. If they are not too long, Mr. Chairman, could they be included in the record or at least appended to the record?

The CHAIRMAN. They will be if they pertain, and I am sure they do, to the subject of safety.

Senator FANNIN. Thank you.

The CHAIRMAN. I wish to thank you again for coming over and talking to us on this very important subject. I know you realize the importance of it. I know you have other duties to perform on the other side.

Thank you very kindly.

Senator FANNIN. I appreciate your courtesy, Mr. Chairman. Thank you.

(The full statement of Senator Fannin follows:)

STATEMENT OF HON. PAUL FANNIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

Mr. Chairman and members of the committee, your courtesy in extending to me the opportunity to appear today is most appreciated, because I know how crowded your hearing schedule is. I am aware that many witnesses want to be heard on various aspects of this legislation, so I will try not to impose unduly on your time and theirs.

As a former Governor who was involved with traffic safety problems at the State level for several years, I share your interest in reducing the appalling toll of deaths, injuries and property damage accidents on our highways. I'm sure all of us agree that both the Federal Government and the respective State governments have legitimate roles to play in helping to bring about a significant reduction in the number of these tragic occurrences.

The tradition in our system has been one in which the Federal Government did those things that the States could not do independently, or as well collectively. When a problem was clearly beyond the resources of the States, then Federal participation and assistance was indicated.

However, I share the concern of many authorities in the field of safety over what appears to be a growing preoccupation with the Federal role at the expense of overlooking or down-grading what the States can and have accomplished. I most certainly do not agree with those who say that our State governments have not demonstrated sufficient awareness or ability to cope with many aspects of the overall traffic safety problem.

The purpose of my testimony today is to focus your attention on at least one major area where the States definitely are acting. I have a personal interest in and knowledge of this particular field because the developments now taking place as a result of collective State action had their origin during my service as Governor of Arizona.

I refer to the utilization by the States of the interstate compact approach to mount a more effective attack on accident fatalities and injuries.

During my three terms as Governor it was my privilege to serve as chairman of the Western Governors and also as chairman of the Committee on Roads and Highway Safety of the National Governors' Conference. These assignments afforded me the opportunity to gain some insight into the complexities of the vehicle safety problem—and the much greater problem of what can be done to improve human performance at the wheels of the millions of vehicles on our highways.

I want to take a few minutes to acquaint the committee with the background of the compact which led to creation of the Vehicle Equipment Safety Commission—an organization which unfortunately has been almost totally ignored in all of the current interest and debate in Congress. Far more than is generally known by the public has already been accomplished.

This Commission was formed under authority of the Beamer resolution (Public Law 85-684) of the 85th Congress. As you know, by this legislation Congress gave its advance consent to interstate impacts in the field of highway safety.

In effect, Congress at that time reaffirmed the sound principle that primary responsibility for traffic safety rests with the States and suggested the use of compacts to achieve more effective cooperation and progress.

Encouraged by this resolution, I joined with several of my Western Governor colleagues in exploring how we could best take advantage of this new tool and put it to work in reducing accidents. In 1960, the Western Governors Conference took the lead and requested the Council of State Governments to develop a workable compact for consideration. Many other organizations interested in safety endorsed this approach.

Our resolutions urged that interstate attention be concentrated first on two high-priority items: First, the obvious and compelling need to find better ways for prompt adoption of uniform yet workable standards for new and improved vehicle safety equipment; and second, the need to protect the driving public from the unsafe drivers who are responsible for such a disproportionate number of accidents. The latter you are acquainted with, and I shall not devote any time to it because it doesn't relate specifically to the legislation at hand.

I want to emphasize, Mr. Chairman, how quickly the interest developed on the part of the States. Within a year, a compact had been drafted and was on its way toward ratification by nearly all of the States. New York State was the first to adopt it in 1962.

As of today, 44 of the 50 States have adopted the compact, and it is expected that the remaining six States will follow by next year when their legislatures will meet. Let me explain more fully just what the compact does.

The compact sets up procedures and machinery for interstate cooperation in the formulation and adoption of equipment safety standards. The working body is the Vehicle Equipment Safety Commission, comprised of one member designated by each party State. This Commission is empowered to recommend "rules, regulations or codes embodying performance requirements or restrictions" for items of automotive equipment.

Although it is limited by its by-laws to library-type research, the Commission does have authority to arrange for testing projects to be performed by qualified professional and technical groups. It may also hold public hearings and consult with appropriate organizations in drafting its proposed regulations or codes.

Adoption of performance standards developed by the VESC is encouraged by giving the member States alternative methods. A State may affirm Commission proposals by legislative action, or it may elect to leave the decision to the administrative authority of its motor vehicle department. Either way, all member States are obligated by the compact to consider VESC recommendations, and since each State will have played a role in the development of these recommendations, a high degree of uniformity and acceptance is promoted.

With ratification of the compact approaching the unanimous point, the VESC was able to get organized with commendable speed. However, it should be pointed out that since its financial support comes from member State appropriations, it was not possible to assemble even a skeleton staff and budget until last year.

Even so, I think the record of what the Commission has accomplished in such a short time is most encouraging and deserving of your serious consideration in our common desire to develop Federal legislation that will help rather than hinder future progress.

Many private and governmental agencies had already done much research and legal spadework to assist the Commission in getting off to a quick start. The first objective had already been agreed upon—reasonable but effective performance standards for new tires for passenger cars and station wagons.

Credit is due the American Association of Motor Vehicle Administrators for the advance work done by its task force to give the VESC a frame of reference for beginning this task.

The Commission held its first public hearing on proposed tire performance standards on January 8, 1965, in New York City. Industry and safety representatives gave full and complete cooperation, I might add.

Despite the enormous difficulties and technical problems involved in developing tire performance requirements, the VESC was able to come up with its first regulation by May of 1966. Let me point out that they were able to issue this important code only nine months after the first annual meeting of the VESC.

Given the history of previous efforts at the State level to win approval of such safety equipment as turn signals and seat belts, I think this is a remarkable effort by the VESC. This tire performance standard, known as V-1, is now in the process of being considered by the respective member States.

In this connection I am pleased to note that several of the States speedily adopted the regulation, and I am confident that others will shortly follow suit. It is my understanding that it has already been adopted as State law by Maryland, Florida, New Jersey and Kansas. In addition, it is now being considered for adoption by administrative procedure in California. I'm sure the witnesses who will appear for the VESC can provide a more detailed and current report on this particular regulation.

The point is, the States acting through the VESC have moved with commendable dispatch to develop an effective tire performance regulation for the protection of the motoring public, and there is every reason to believe that with proper leadership and encouragement, this regulation will soon be in effect throughout the country.

In many respects this tire performance requirement is a landmark in State action. It is the result of collective cooperation that demonstrates forcefully the capability of the States to meet their responsibilities in a field where neither industry nor government had previously been able to achieve any agreement.

What can and has been done with respect to tire performance regulation via the compact approach can also be achieved in many other important items of automotive safety.

It is one thing to recognize and deplore the disgraceful and shameful accident rate on our highways, but it is something else again to do something constructive about improving the situation. In my judgment, the work of the VESC in its very brief life is the most important new development we have in the entire field of traffic safety. Judged on its performance to date, it most certainly should be encouraged and promoted.

One of the grave dangers, as I see it, is that in our eagerness to mobilize the resources of the Federal Government against automobile accidents, we commit the error of discarding the valuable work that has already been done and which shows so much promise of becoming still more effective.

In my judgment, we would set back the cause of highway safety with any Federal legislation which refused to recognize the merit of the VESC approach and which, either expressly or indirectly, choked off the life of the compact just at the stage where it is beginning to prove its worth.

Aside from the disservice this would do to the dedicated State officials who have devoted so many hours to fostering the compact's work, any such precipitate Federal action would have the very detrimental effect of discouraging future State interest and cooperation. The temptation to throw the entire problem into the Federal lap would be very compelling, and Mr. Chairman, I doubt that any of us believe the Federal Government by itself can handle this problem.

I believe the VESC has a vital role to play in automobile safety, just as the Federal Government has its role. They should compliment and not compete with each other.

I strongly recommend that in your consideration of pending traffic safety legislation, you include language to clearly protect and preserve the work of the VESC. Any hasty or ill-advised Federal legislation that rendered the VESC impotent or preempted its authority would be a tragic mistake.

Finally, Mr. Chairman and members of the committee, let me emphasize my conviction, based on many years of direct involvement with this problem, that we cannot hope to make any progress in highway safety without utilizing all possible resources, public and private, Federal, State and local.

All of us know that when we're talking about vehicle and equipment safety, we're talking only about a very small part of the overall safety problem—at best maybe 10 percent of it.

Sensible and workable regulation by government of certain aspects of vehicle performance, whether at the Federal or State level, or a combination of both, is surely a part of what needs to be done. But as legislators, we should not deceive ourselves—or attempt to deceive the public—that developing improved and inherently safer vehicles will make much of a dent in the accident rate.

It will help some, to be sure, and we ought to do everything we can to achieve that degree of improvement. Having done that, however, we will still be faced with the human problem of the driver behind the wheel.

In the final analysis, there is no one-shot legislative cure-all for highway accidents. Lasting progress and reduction of our accident rate will be achieved only by constant and continuous application of every weapon we have—from better driver education through safer cars and tires to improved law enforcement and highway design.

Thank you very much, again, Mr. Chairman, for the opportunity to present my views, and I will be happy to try to answer any questions you may have about the background and development of the interstate compact approach.

The CHAIRMAN. Our next witness is Mr. George Kachlein, Jr., executive vice president of the American Automobile Association.

STATEMENT OF GEORGE F. KACHLEIN, JR., EXECUTIVE VICE PRESIDENT, AMERICAN AUTOMOBILE ASSOCIATION; ACCOMPANIED BY MATTHEW C. SIELSKI, DIRECTOR, TRAFFIC ENGINEERING AND SAFETY DEPARTMENT; AND NEAL P. GILLEN, ASSISTANT DIRECTOR, LEGAL DEPARTMENT

Mr. KACHLEIN. Mr. Chairman, I am George F. Kachlein, Jr., executive vice president of the American Automobile Association. The AAA is a motor federation representing close to 10 million motorists in the United States and Canada.

There now are several bills pending in the Congress which deal with the subject of highway safety. However, my comments this morning are directed to the major bills pending in this committee, H.R. 13228 and H.R. 13666 by the distinguished chairman of this committee, Congressman Staggers, and H.R. 12548 by Congressman Mackay.

Before I direct my attention to these bills, I would like to congratulate the chairman and the members of this committee for their interest in traffic safety. Congressman Mackay and his 29 congressional cosponsors should also be commended for their sincere interest in this area which is exemplified in their bill to create a National Traffic Safety Agency.

Praise must also be extended to former Congressman Kenneth Roberts who is one of the fathers of congressional traffic safety legislation. The pioneering efforts of his subcommittee shed the first light on this critical problem back in 1956. The seat belt and brake fluid standards laws and the Federal standards for Government-purchased passenger cars are a result of the Roberts subcommittee.

Turning now to the legislation before the committee today, I shall first discuss the Tire Safety Act of 1966.

TIRE SAFETY ACT OF 1966

H.R. 13666, introduced by Chairman Staggers, is similar in most respects to S. 2669, the bill which unanimously passed the Senate on March 29, 1966, by a record vote of 79 to 0. The American Automobile Association recommends that the House Interstate and Foreign Commerce Committee report favorably the Senate version of the Tire Safety Act of 1966. Mr. Chairman, we feel that the Senate version of this bill can provide the American public not only with standards for safe tires, but with the knowledge to purchase a safe tire without being subject to confusion.

The American Automobile Association has long been on record in favor of tire performance standards as well as a grading and labeling system. Last year we made our views known to the Senate Commerce Committee. Following the Senate hearings we submitted further recommendations to the Senate Commerce Committee at the request of the chairman, Senator Magnuson. Our recommendations were adopted by that committee including:

1. That the Secretary of Commerce be required to set "interim" minimum safety standards based on the best features of each of the existing standards (GSA tire standards for purchased cars; the tire

manufacturer's voluntary tire standards; and the Vehicle Equipment Safety Commission's tire standards).

2. That the Secretary of Commerce in setting tire performance standards should take into consideration the "skid resistance" factor.

3. That the Secretary of Commerce be required to develop performance standards for grading tires and make his recommendations to Congress within 2 years instead of 5 as originally proposed.

4. That the Secretary of Commerce be required to develop a tire labeling system, which can be easily understood by the consumer.

The AAA feels very strongly that tire manufacturers should clearly and specifically label all tires as to grade, quality, antiskid, rating, and load capacity and that terminology used should be the same and mean the same for all tires so as to afford the purchaser a guide in making his selection, and to assure him of the quality of the tire.

We support and call for early enactment of all the provisions of the Tire Safety Act of 1966 as embodied in the Senate-passed S. 2669.

TRAFFIC SAFETY ACT OF 1966

Mr. Chairman, I would like at this time to distribute to you and the committee members the AAA Traffic Safety Manual which contains a summary of some of the successful traffic safety programs conducted by AAA clubs throughout the country, such as the promotion of (1) driver education; (2) school safety patrols; (3) school safety education; (4) pedestrian safety; (5) traffic improvements.

My comments will be specifically directed to the administration's proposal as embodied in H.R. 13228 introduced by Chairman Staggers. We do feel that the objectives of H.R. 12548 by Congressman Mackay are meritorious, but we prefer the approach of the administration because its coverage is more comprehensive and it includes a majority of the proposals in the Mackay bill.

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards.—Section 102 requires the Secretary to review existing public and private motor vehicle safety standards and the degree of effective compliance existing with respect to such standards. Two years from enactment of this act he may determine there is a need for a new or revised motor vehicle safety standard if (1) no motor vehicle safety standards exist, or (2) it is inadequate to protect the public against unreasonable risk of accidents or of death, injury, or property damage, or (3) it is not based upon satisfactory standards of performance, or (4) it is not sufficiently complied with to achieve adequate motor vehicle safety.

With approximately 75 million passenger cars in use today, automobile travel accounts for an estimated 85 percent of the country's personal transportation activity. By most measurements it also is the most hazardous form of transportation, especially when you consider that there are only 5 deaths for every 10 billion miles traveled by train, 13 deaths for every 10 billion miles traveled by bus, 14 deaths for every 10 billion miles traveled by air, as against the startling figure of 570 deaths for every 10 billion miles traveled by automobile.

The importance of this section was stressed by Congressman Staggers when he introduced this bill. He had this to say:

It is now clear that the Federal Government can no longer avoid responsibility for assuring that vehicles sold and used in interstate commerce are designed, manufactured, and equipped to provide optimum safety. We cannot expect the purchaser to evaluate the design and equipment of a modern automotive vehicle and determine how safe it might be.

The American Automobile Association shares these views with you, Congressman Staggers, and we endorse the objectives of this section. I think it is apparent by now that the average automobile owner has no way of knowing whether he is buying a safe product or not. He must buy it on trust.

One of our affiliated AAA clubs, the Rocky Mountain Motorists, has reported some cases of Oldsmobile automobiles catching fire because of a defective carburetor. It seems that the plugs on a quadrajet carburetor may not have been properly threaded and may fall out after the car has been driven between 5,000 and 10,000 miles. This can lead to an explosion and fire. This is not generally known to the public, though dealers allegedly have been notified of the flaw.

Because of the publicity that has been focused on safety as the result of congressional hearings, the public for the first time has learned that there are many more defects in cars sold than heretofore suspected. In the past month alone, Ford and Chrysler, as well as General Motors, have publicly admitted that they have notified their dealers of numerous defects in different models.

For these reasons, among others, we believe that section 102 can be strengthened by the following amendments.

(1) The establishment of interim standards by the Secretary of Commerce which shall be effective during the period when the Federal Government is conducting research.

There is enough research data available to draw upon in establishing interim standards. The experience of GSA and the Bureau of Standards can be utilized as well as that of competent researchers in private industry and from the engineering departments of our Nation's universities.

(2) That the Secretary should be required to issue standards. The present language of the bill leaves the establishment of standards at his discretion. This question should be determined by Congress. The Secretary's discretion should only extend to the question of which standards to require.

(3) That the automobile manufacturers be required to notify the owner of an automobile and the automobile dealer of any defects in the design or manufacture of the vehicle.

RESEARCH, TESTING, AND DEVELOPMENT

Section 104 authorizes the Secretary to undertake research, testing, and development for motor vehicle safety and safety standards.

We support the objectives of this section. Sound and adequate motor vehicle equipment safety standards cannot be established without the type of research spelled out in section 104. We hope the data developed by controlled research methods will throw new light on the many problems which we are presently beset with.

It has been pointed out at these hearings that all too often statistical data is far from valid. A Federal research, testing, and development program could provide us with meaningful statistics which can act as a controlling factor in determining what type of safety equipment will best serve the American people.

The American Automobile Association has long been on record in seeking a national research program similar to that specified in section 104. In this regard our policy position should be noted at this point:

TRAFFIC SAFETY RESEARCH PROGRAMS (POLICY)

The AAA calls for a national research program giving major emphasis to most warranted researches including:

1. Basic underlying factors in traffic accidents which are, to an unrealized, extent, not now known;
2. Driver and pedestrian responsibilities and attitudes as major traffic accident factors; and
3. Continued crash injury studies with the objective of safer "packaging" of drivers and passengers as part of the basic design of motor vehicles.

TRAFFIC SAFETY RESEARCH PROGRAMS (RESOLUTION)

A wide variety of Federal agencies now conduct research in the traffic safety field, including the Department of Commerce, the Post Office Department, the Department of Defense, and the Department of Health, Education and Welfare.

In addition, many of the states conduct research programs on traffic safety, as do many private national organizations.

The AAA calls upon Congress to authorize and direct the Secretary of Commerce to assemble and analyze all traffic and safety research now conducted by a wide variety of federal agencies, state agencies, and private national organizations.

COOPERATION AND TRAINING

Section 105 authorizes the Secretary to establish cooperative programs with federal, state, and local governments, businesses, universities, and other institutions.

This section may very well prove to be the key to success in an over-all traffic safety program between the Federal Government and the States. Lack of cooperation surely will spell failure for a joint effort is required for a uniform attack against the causes of death on our highways—the vehicle, the driver, and the highway.

Section 106 authorizes the Secretary to establish training programs for Federal, State, and local government and those of private business and institutions to achieve motor vehicle safety. We think that the importance of such programs cannot be underestimated, and we strongly endorse them.

TITLE II—TRAFFIC ACCIDENT AND INJURY RESEARCH AND TEST FACILITY

The American Automobile Association has long been on record in seeking a national research center similar to that described in title II which would conduct the research, development, and testing called for in this bill. Our policy position was stated earlier in our support for section 104.

We would hope that such a facility could be a reality in due time.

The lack of basic information as to the causes of accidents has reached an intolerable point and the construction of the research facility rates an emergency priority second to none—the longer we wait, the more lives we lose.

TITLE III—HIGHWAY SAFETY

Highway safety programs: Section 301 of H.R. 13228 incorporates the language of the Baldwin amendment which Congress acted upon last year in the 1965 authorization bill, Senate Joint Resolution 81.

The AAA supports the objectives of the Baldwin amendment. Since the enactment of Senate Joint Resolution 81 last August, we have met frequently with representatives of the Office of Highway Safety in the Bureau of Public Roads of the Department of Commerce and have given the support of our organization to the objectives of this worthy proposal. At the request of the Honorable Rex Whitton, the Federal Highway Administrator, we are now preparing comments and recommendations on what the standards should cover.

I wish to make it clear at this point that the nature and extent of the standards or guidelines for a State highway safety program are unknown at this time. However, the specific language of the Baldwin amendment, as incorporated in H.R. 13228, reads as follows:

Such programs should be in accordance with uniform standards approved by the Secretary which standards shall include, *but not be limited to*, provisions for an effective accident record system, measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations. (Emphasis added.)

This language gives us some indication of the nature of the programs to be recommended by the Secretary of Commerce. We expect that the standards or guidelines will encompass the vehicle, driver, and highway. According to Mr. Lowell K. Bridwell, Deputy Under Secretary for Transportation, U.S. Department of Commerce, in remarks made at Chattanooga, Tenn., on March 8, 1966, their potential scope is extensive covering (1) vehicle equipment, (2) vehicle performance, (3) vehicle registration, (4) vehicle inspection, (5) driver education, (6) driver examination and licensing, (7) accident records systems, (8) highway design and maintenance, (9) traffic engineering, (10) traffic control, (11) traffic surveillance (to correct potentially hazardous conditions), (12) manpower and training, (13) emergency medical services, (14) emergency communications, (15) traffic laws, courts and police, (16) uniform rules of the road, (17) uniform signs, signals, and markings.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

Under section 301 of H.R. 13228, the Secretary of Commerce is authorized to expand the highway safety research and development activities under section 307(a) of title 23, United States Codes, to cover all aspects of highway safety which shall include but not be limited to highway safety systems research and development relative to (1) vehicle, (2) highways, (3) driver characteristics, (4) accident investigations, (5) communications, (6) emergency medical care, (7) transportation of the injured.

The Bureau of Public Roads is to be complimented for the progress it has made to date; however, its research has been limited in its scope and the provisions of section 301 of H.R. 13228 will extend its activities into areas where vital data is sorely needed.

The need for extensive research in the areas enumerated in this section is demonstrated by the fact that a traffic accident is the result of the interaction of a number of factors in an all too complex environment.

When an accident occurs on a busy roadway, the policeman on duty must contend with such problems as medical care for those injured, maintain the flow of traffic, supervise the removal of debris, and prepare accident report forms. He has little time to be concerned with the psychological, physical, emotional, engineering, and environmental factors that led to the accident and little training to aid him in identifying them. Without basic data, prepared by highly qualified individuals or even by teams of experts, true analysis is not possible.

NATIONAL DRIVER REGISTER SERVICE

Section 301 of H.R. 13228 would expand the Driver Register Service so as to include those individuals whose licenses to operate a motor vehicle have been denied, terminated, or temporarily withdrawn, with the exception of a withdrawal for less than 6 months based on habitual violation.

Since the inception of the National Driver Register Service in 1961, it has received the full cooperation of all the States and has proved to be a vital service in screening out those who are unfit to operate a motor vehicle on our Nation's streets and highways. In fact, there are over 821,719 names on record of those convicted of driving while under the influence of alcohol or the commission of manslaughter while operating a motor vehicle. Over 19,024,719 search requests have been acted on by the National Driver Register Service, and 112,021 individuals have been prevented from obtaining licenses in another State because their record was on file with the Register Service. As recently as February 1966 an average of 44,000 search requests were received daily and acted upon by the Register Service.

We would hope that this vital voluntary service between the States and the Federal Government continues as an aid to the States because driver licensing is a State function rather than one of the Federal Government. While all 50 States are now participating, if mandatory participation were proposed in the national Driver Register Service, this might well lead to fears of eventual Federal control over the driver licensing functions of the States. Needless to say, this would seriously impair the cooperative spirit now enjoyed between the States and the Federal Government as exemplified by the construction of the Interstate Highway System.

ANNUAL PROGRESS REPORT, TITLES I, II, AND III

At this point we would suggest that a new section be added to the bill requiring that the Secretary submit an annual report to the Congress detailing the results of the research, testing, and development programs.

FINANCING

As heretofore pointed out, the AAA supports the objectives of H.R. 13228. However, a traffic safety program of the magnitude envisioned in this bill and its related proposals will, according to the administration's figures, cost \$700 million over the next 6 years. The \$700 million figure has been characterized as "seed money" or "start-up money." The question arises: Who should bear this cost?

The present Federal-aid highway construction program has reached the halfway mark and the benefits of this great system of highways already are affecting national defense as well as every segment of industry, commerce, private development, and individual travel throughout the Nation. But there is a roadblock ahead. The 1972 completion date of the Interstate System has reached a point of crisis precipitated by higher costs than envisioned in 1956 at the outset of the program.

Through no fault of this committee, no serious effort has been exerted to meet this financial crisis. Several knowledgeable national organizations, including the AAA, estimate the expected deficit of completing the Interstate System by 1972 to be approximately \$7 billion.

The Secretary of Commerce has stated that the financing of the expenditures proposed in the administration's bill, as well as the financing of the Highway Beautification Act of 1965, would be financed insofar as possible by the application of 1 percentage point of the present automotive excise tax to the highway trust fund. That if and when this tax should prove insufficient, additional funds as needed would be appropriated from the general funds to the highway trust fund to finance safety and beauty.

AAA policy is against the use of highway trust fund money for any purpose other than the acquisition of rights-of-way, the construction of highways, and the administrative expenses of the Bureau of Public Roads.

AAA also is opposed to any Federal excise taxes on private passenger cars, their accessories and parts.

We do not believe that highway safety and highway beautification programs should be lumped together in one financing package. We do not see any justification for automatically equating highway safety with highway beautification.

In this connection, the AAA considers landscaping or highway beautification within the right-of-way as a part of construction and thus a legitimate charge against the highway trust fund. However, we do not consider landscaping, acquisition of scenic easements, beautification, and so forth, beyond the right-of-way as a proper charge against the highway trust fund.

Moreover, we submit no one at this time can provide a realistic cost estimate for financing the proposals of titles I, and II, and III of H.R. 13228, particularly the Federal financial assistance to the States under the Baldwin amendment in title III. First we just do not know what standards will be set forth by the Secretary. Nor do we know what demands will be made by the States for financial assistance through 50-50 matching grants.

Thus, the American Automobile Association recommends that H.R. 13228 be so amended:

1. That the initial financing be on a 2-year basis—namely, for fiscal years 1967 and 1968—rather than for a 6-year period;

2. That the financing cover highway safety programs and not highway beautification;

3. That the necessary funds be provided from general fund revenues and not the highway trust fund;

4. That the Secretary of Commerce be required to make a survey of the States regarding their financial ability to meet the standards to be set under the Baldwin amendment and report his findings and recommendations to the Congress within 2 years from the date of enactment. Sufficient funds should be provided for such survey and report.

Specifically, the AAA recommends the Traffic Safety Act of 1966 be financed from general fund revenues as follows:

H.R. 13228	Amount	Fiscal year
Title I. Motor vehicle safety standards.....	\$3,000,000	1967
Title II. Traffic accident and injury: Research and test facility.....	6,000,000	1968
	3,000,000	(¹)
Title III. Highway safety:		
Highway safety programs (Baldwin amendment).....	40,000,000	1967
Highway safety research and development.....	60,000,000	1968
	10,000,000	1967
	20,000,000	1968
Total.....	142,000,000	

¹ Planning and feasibility studies only.

The foregoing are the administration's cost figures but are limited to fiscal years 1967 and 1968.

Assuming passage this year, the Secretary would make his report and recommendations to Congress as to the financial needs of the States for Federal assistance in 1968.

In 1968 the Congress would have the opportunity to give careful study to the Secretary's findings and then authorize the needed funds for this worthy highway safety program.

We should keep in mind that under existing law the Secretary is required to submit to Congress, not later than January 1968, the cost estimate for completing the Interstate Highway System by 1972. The original cost estimate in 1955 was \$27 billion for 40,000 miles, then in 1959 the cost estimate soared to \$41 billion for 41,000 miles; and the 1968 estimate may go as high as \$50 billion.

It also should be noted that present law requires the Secretary, not later than January 1968, to submit his recommendations regarding the Nation's future highway needs following the completion of the Interstate System.

Thus in 1968 the Congress will be in a better position to evaluate the cost responsibilities of financing highways and highway safety. Let us not make the same mistake of underestimating the cost of highway safety as we did with the Interstate Highway System.

The AAA is not advocating a cutback in spending for highway safety. The stakes are high—nearly 50,000 lives a year, at the current rate more than a quarter of a million lives in the next 5 years, plus a countless number of injuries and property damage in the neighborhood of \$50 billion.

Let us make a start during the next 2 years through Federal leadership to encourage the States to develop comprehensive and realistic traffic safety programs which will adequately cope with the major causes of death on our highways—the vehicle, the driver, and the highway.

The CHAIRMAN. Mr. Kachlein, we appreciate your coming here and giving us your views because, after all, you do represent a great segment of the men and women who drive on our highways and I am sure that you have very definite views through your experience and through your observations.

Mr. Moss, do you have any questions?

Mr. Moss. Thank you, sir. I will defer for the moment.

The CHAIRMAN. Mr. Springer?

Mr. SPRINGER. All I would like to ask is this one thing. I am not sure that I got the deadlines in the latter part of the statement you read, as to the division of expenditures of what should be charged to the highway fund and what should not.

Could you give that to us again?

Mr. KACHLEIN. Yes. With regard to the highway trust fund, we have adhered to the principle all along that it should be used for three purposes. One was for the acquisition of right-of-ways; the second was for the construction of highways. The third was for the administrative cost of the Bureau of Public Roads. That has been the concept of the highway trust fund.

We feel that for the 2-year period in determining the cost and where we are going to go with the Highway Safety Act, this should come out of general revenue funds. That during the 2-year financing period we want to know specifically what the demands and the requirements will be; because until we have this information we will be incapable of forecasting the funding of a long-range program.

Highway beautification and highway safety can be a bottomless pit unless we specifically know the program and outline what we are going to do.

Mr. SPRINGER. I have two further questions. Did I understand you to say that beautification as to the right-of-way is properly charged to the fund?

Mr. KACHLEIN. That is right.

Mr. SPRINGER. But any other beautification is not properly charged?

Mr. KACHLEIN. Going outside the right-of-way.

Mr. SPRINGER. And highway safety should not be charged to the fund?

Mr. KACHLEIN. At this time; yes, sir.

Mr. SPRINGER. We are talking about either that which is heard before this committee or that which is heard before the Public Works Committee in either instance?

Mr. KACHLEIN. That is correct.

Mr. SPRINGER. Should not be chargeable to the highway trust fund?

Mr. KACHLEIN. That is correct.

Mr. SPRINGER. Thank you.

The CHAIRMAN. Mr. Dingell?

Mr. DINGELL. Mr. Chairman, it is a pleasure for me to welcome Mr. Kachlein to the committee, and I commend him for a very fine statement.

Mr. KACHLEIN. Thank you very much, Congressman.

The CHAIRMAN. Mr. Devine?

Mr. DEVINE. Thank you, Mr. Chairman.

I think the approach taken by the American Automobile Association is unique at least among the witnesses we have heard to date. Specifically, I am encouraged by the fact that you are not wishing to use the highway trust fund for a purpose other than that for which it was created.

I think that is particularly significant because when Senator Ribicoff testified here yesterday he pointed out that this is a multimillion-dollar program that will ultimately amount to \$580 million. He suggested that he had an amendment that would put this in excess of a billion dollars.

I think your association is on very solid ground when it suggested that the highway trust fund should be confined to those three purposes which you have outlined and going to keep the cars moving.

I thank you for your statement.

Mr. KACHLEIN. Thank you, Mr. Congressman.

Mr. MOSS (presiding). Mr. Pickle?

Mr. PICKLE. No questions.

Mr. MOSS. Mr. Satterfield?

Mr. SATTERFIELD. No questions.

Mr. MOSS. Mr. Ronan?

Mr. RONAN. No questions.

Mr. MOSS. Mr. Nelsen?

Mr. NELSEN. No questions.

Mr. MOSS. Mr. Cunningham?

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

Although you have confined your testimony to the trust fund, and so forth, your organization has been attacked as publicity seeking. I would like to have your summary of what you do in the field of traffic safety and what your figures show as to whether or not the great majority of accidents are caused by factors other than the design of an automobile, as has been alleged.

Mr. KACHLEIN. Mr. Congressman, I am glad you asked me that question, because we have attacked the highway safety matters as a four-factor or four-prong problem, starting with the pedestrian. We do know from facts and figures that in properly training the pedestrian and calling to the pedestrian's attention the problems and also the enforcement of proper pedestrian laws, the death rate of the pedestrian since 1957 has been reduced by 50 percent even though there has been an increase in the number of automobiles, the number of miles traveled, and the population by over 200 percent—not population but I am talking about miles traveled.

So that we do know that there can be improvements made and we have taken a very active part in it.

Second, we know through the school patrols that there has been a 50-percent in total count reduction in the deaths and injuries to the school patrols since it has been formed and to our schoolchildren.

We do know that insofar as the motorist is concerned, the motorist actually is the prime factor in any traffic and safety program and the motorist must be trained, and our youngsters must be trained through the educational programs that we have.

We are assisting today, for example, the State of South Carolina, on a very exciting educational TV program made up of 31 half hour programs that are going on closed circuits to each of their high schools. It will be made available to the other States in training our youngsters to drive properly on the highways. We do know that where youngsters are properly trained to drive on the highways they acquire through proper training courses the equivalent of nearly 8 years of experience that an untrained driver has over his lifetime.

We are emphasizing the problem at the driver levels as well as at the pedestrian level. We do know that the drinking problem is an extremely serious one. We are hopeful that the research work that would be created by the Highway Safety Act of 1966 that is before you will bring out definite figures to prove the things we think are causing some of our accidents.

On the other hand, we have approached it also with the manufacturers as to proper and better packaging for safety in the automobiles. We have found, also, defects on new cars coming forth from the Detroit runways. So, we have met with the manufacturers to point out, through our emergency road service, the defects that we have found among our 9 million members.

The fourth factor is the highways, the highway engineering, through the work with the highway departments, through the spot checks, for example, through the development of meetings between highway engineers, through ASHO to do a better engineering job.

We look at it as a four-factor problem, not a three, two or one, although today one may be the whipping boy, such as the manufacturer.

We think that these four facets each need to be examined in order to bring about better highway safety on our highways.

Mr. CUNNINGHAM. Any machine, including an airplane, might have some bugs in it occasionally.

Mr. KACHLEIN. That is right.

Mr. CUNNINGHAM. In all of your experience—and I am familiar with your organization, having been in this field professionally—in all of your experience, do you say by and large that the fatality rate and injury rate are due to factors other than the automobile?

Mr. KACHLEIN. Frankly, I could not answer that question with any degree of accuracy, sir. The reason is that the type of reporting that is done at the State level or by the local police force is not uniform enough or in depth enough to determine. I can point out to you, sir, that several of our automobile clubs operate insurance branches of their operations and they have a staff of men who do an in-depth study on every one of their fatal accidents. They have been surprised to find that a number of the accidents, but not the substantial amount, sir, have been caused primarily by car defects. But I could not give you the answer, Congressman.

Mr. CUNNINGHAM. There are no such figures available are there?

Mr. KACHLEIN. That is correct, sir, and that is the reason we are interested in having this proposal passed so that we can do proper research work and we can do it on a more uniform basis.

Mr. CUNNINGHAM. We had a table here the other day that showed Connecticut had the lowest death rate per 100 million miles traveled and then the other States followed on down the line.

What would your judgment be as to why Connecticut does a good job according to their figures, and so many of the other States do not when everybody drives the same type of automobile?

Mr. KACHLEIN. May I point out to you, sir, that earlier in my testimony I stated that it was necessary to create a proper environment, a proper attitude on the part of the motorists, in their driving habits, in their responsibilities, in their duties, not only to themselves but to their family and to the other people on the highways. It is possible that Connecticut has done a better job in creating a better driving attitude among its people which would certainly have some effect.

Mr. CUNNINGHAM. You are familiar with the three E's of traffic safety?

Mr. KACHLEIN. Yes, sir.

Mr. CUNNINGHAM. Then would it be your judgment that Connecticut has been applying the three E formula much better than the other States?

Mr. KACHLEIN. It could be, sir. I do know that the emphasis has been placed for a substantial number of years in Connecticut to make the driver a better driver and a more cautious one and I think one that is a more polite driver, sir, if I may use that term.

Mr. CUNNINGHAM. Your organization has done a great deal of work in this field. Education, for example. You established safety programs. When I was in this work it was established that there had never been a child killed where a safety patrolman was on duty. I don't know whether that is still claimed or not. Do you know?

Mr. KACHLEIN. I could not tell you, sir, on that. I know we have had some real close calls but we have reduced the number of children that have been injured and the deaths that have occurred. As a matter of fact, the reduction in actual count is better than 50 percent since the patrols were organized.

Mr. CUNNINGHAM. And getting back to the attack that has been made upon you and all the good work you have done in my opinion, you do furnish the belts and buckles for the safety patrolmen, don't you?

Mr. KACHLEIN. That is right.

Mr. CUNNINGHAM. Hasn't your organization been a leader in driver training?

Mr. KACHLEIN. Yes, sir; we have.

Mr. CUNNINGHAM. You have been in the three E field for all of these years, therefore, you must feel that stressing the three E's is the best way to solve this problem.

Mr. KACHLEIN. We think it is but we also recognize there are other factors that we must similarly attack or improve in order to bring about safety on our highways because we see that all four factors are involved, sir.

Mr. CUNNINGHAM. Your organization has done an outstanding job and I compliment you.

Mr. KACHLEIN. Thank you very much, Mr. Cunningham.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. Mr. Chairman, thank you.

Mr. Kachlein, I have always considered the membership of your organization to be the elite of the American driving public. The presentation you have made has justified that judgment.

I want to thank you for the comment about the bill which many of us have introduced. It seems you have agreed with some of the points made in that bill. I hope that you will energetically support our effort to get a truly national program with a Federal agency, one that mobilizes the Federal, State and local governmental forces and the private element that can contribute to improved traffic safety.

The greatest threat, it seems to me, now, is that we might do less than that.

Mr. KACHLEIN. I can assure you, Mr. Mackay, that we are 100 percent behind the proposal that will make this a joint venture on the part of Federal Government and the States but with a centralized place such as your bill has suggested, sir.

Mr. MACKAY. Thank you, Mr. Chairman. I have no further questions.

The CHAIRMAN. Mr. Farnsley?

Mr. FARNSLEY. Thank you, Mr. Chairman.

Thank you, Mr. Witness.

The CHAIRMAN. I missed Mr. Broyhill. I am sorry.

Mr. BROYHILL. No questions.

Mr. FARNSLEY. I am glad Mr. Mackay considers membership in your organization some kind of leadership because I have been a member for a long time.

Have you any information on one-way streets as opposed to two-way streets?

Mr. KACHLEIN. I do not have, sir. Mr. Sielski, if you don't mind, may answer that question.

Mr. SIELSKI. We have that available.

Mr. FARNSLEY. Can you give it to me off the top of your head?

Mr. SIELSKI. Yes, it is definitely—

The CHAIRMAN. Would the gentleman identify himself?

Mr. SIELSKI. I am Matt Sielski, the director of the Traffic Engineering and Safety Department for the AAA.

We have made countless studies and surveys relating to one-way streets. Your question is whether or not they help to reduce accidents. Yes, they do. They not only reduce accidents among the vehicles, but pedestrians as well. Most of these will run somewhere about 30 percent. This depends on the type of one-way streets. Since the number of conflicts have been reduced, the number of pedestrian accidents can be reduced substantially, 30 to 40 percent on these streets.

Mr. FARNSLEY. Thank you, Mr. Sielski.

I have inquired about the impact of street lighting on crime and traffic accidents and delinquency. A portion of the information I received indicates in the case of highway lighting, according to illuminating engineers, the lighting cost is generally less than 1 percent of the total cost of the highway. Installation of adequate lighting is considerably cheaper, if it is done at the time the highway is constructed. This is from "Nighttime Highway Safety," Street and Highway Safety Lighting Bureau.

The police chief of Gary, Ind., justifies such expenditures this way:

A good street light is as valuable as a good policeman, and a lot cheaper.

Only in recent years have case histories provided proof positive that proper street lighting can cut nighttime fatalities by 50 percent. For the entire Nation, this means a saving of 20,000 lives annually, plus an economic savings estimated to be \$2 billion per year.

Could you comment on that statement?

Mr. SIELSKI. Yes. Street lighting is a very important aspect of an accident reduction program specifically on our major thoroughfares. Good, modern street lighting not only helps to prevent crime and other matters of this type, as well as accidents involving pedestrians, particularly pedestrians in our large cities. Pedestrian fatalities account for anywhere from 70 percent of the fatalities in our larger cities to 40 and 50 percent in cities over 200,000 population.

Street lighting results in reduction in pedestrian accidents because so many of these people are killed crossing streets at night, particularly the old persons. Furthermore, in high-accident locations, there are countless numbers of studies that show the tremendous reduction in accidents as a result of modern street lighting.

Mr. CURTIN. Would you yield?

Mr. FARNSLEY. Yes.

Mr. CURTIN. This morning I and a number of my colleagues saw some pictures showing a form of luminous paint used on bridges and on highway signs, even on street markings. Are you familiar with that?

Mr. SIELSKI. Are you talking about the reflectorized material?

Mr. CURTIN. That might be what it is called. All I know is that it is a form of paint. What is your opinion of it?

Mr. SIELSKI. It has been proven that any sign that is worth seeing in the daytime for traffic certainly ought to be clear to the motorist at night, and reflectorized material does this.

Mr. CURTIN. How about on the street markings?

Mr. SIELSKI. And the pavement marking as well. If it is important for daytime use, it is just equally important at night. In addition to this is the tremendous improvement made in pavement line edging, particularly on our narrow two-way highways.

Mr. CURTIN. Thank you, Mr. Farnsley.

Mr. FARNSLEY. Do I have time left?

You give a guess that one-way streets would cut accidents 30 to 40 percent. My information is that in Virginia and in California they have some one-way highways where they build another highway parallel, maybe as much as a half mile away, and that this has caused a great saving in accidents in the country. Is it a good guess that we could save 30 to 40 percent nationally if we had one-way streets and highways?

Mr. SIELSKI. Congressman, there are different types of one-way streets. If it is for a business area, this is one thing. If it is for an outlying area, this is another type of street that must be considered, but basically if a one-way street is designed properly, it will move traffic effectively and reduce accidents, but it depends on where you are placing it.

Mr. FARNSLEY. Thank you.

The CHAIRMAN. Mr. Gilligan.

Mr. GILLIGAN. Thank you, Mr. Chairman. I have no questions.

The CHAIRMAN. Mr. Moss?

Mr. Moss. I have just a few questions.

This matter of what causes accidents, of course, is intriguing. I assume that we would all stipulate that the driver behind the wheel has a major burden as a cause in the accident picture, but don't we have a responsibility to be concerned about what happens after the accident is caused?

Mr. KACHLEIN. Very much so.

Mr. Moss. The physical environment in which the passengers and the driver are located at the moment of the accident?

Mr. KACHLEIN. Yes, sir.

Mr. Moss. And the concern over design is predicated on the need to have a safer environment.

Mr. KACHLEIN. Yes, sir.

Mr. Moss. And your observation of accidents over the years would lead you to conclude that that environment is far less safe than it could be.

Mr. KACHLEIN. Yes, sir. As a matter of fact, Mr. Congressman, we met with the manufacturers, not in public but at their own headquarters, to discuss this with them a year ago, to point out to them the things that we had seen from our own observations and our own studies.

Mr. Moss. We should emphasize this and bring it into focus because it seems to me that there are those who would attempt to oversimplify or to obfuscate the real purpose of these hearings. Certainly we are concerned with every factor of safety, the highway, the driver, the vehicle.

Mr. KACHLEIN. And the pedestrian.

Mr. Moss. And the pedestrian. Here, again, the vehicle plays an important role in the nature of injuries sustained by the pedestrian; does it not?

Mr. KACHLEIN. Yes, sir.

Mr. Moss. Isn't there evidence, rather substantial evidence, of improper regard for the safety or the welfare of that pedestrian once he comes in contact with the vehicle?

Mr. KACHLEIN. From my observations; yes, sir.

Mr. Moss. On the driver licensing, certainly we want safe drivers. Do all of the States have adequate standards for the licensing of drivers?

Mr. KACHLEIN. They do not, sir.

Mr. Moss. Isn't it time that perhaps we impose minimal standards requiring the States to license at least through the imposition of those standards?

Mr. KACHLEIN. This could be, sir. I feel that once you have established a center for research and it is brought to the public's attention, you will find that a considerable change will be made in your State laws. It may be necessary to put minimum standards in order to force that, sir.

Mr. Moss. Having diagnosed this malady that affects our society, should we wait for a comfortable evolution to finally bring about an acceptance by those States having failed to date to do so, to impose the kind of standards necessary to protect the American traveling public? Driving in my State of California, I can see almost any-

where in that State license plates from virtually every other State in the Union.

Mr. KACHLEIN. Yes, sir.

Mr. MOSS. The ability of the State by the imposition of reasonable standards to protect its motor vehicle owners is not absolute, is it?

Mr. KACHLEIN. It is not.

Mr. MOSS. Many thousands of intruders are there every day, as they are here in the city of Washington, or any community across this Nation. Haven't we a right, where we know there should be certain minimums at least met in the licensing of a driver, to expect that they be met and be met now?

Mr. KACHLEIN. I think that is a fair statement, sir.

Mr. MOSS. Now, on tire safety, I have become a little agitated on this point. I looked at a cross section of a carcass, one of the most fragile pieces of equipment I have seen in many years. I don't customarily cross section my tires to find out how strong they are.

You suggest that the Secretary be required to set interim standards, and one of the standards you would have him adopt would be the voluntary tire standards. What are those standards?

Mr. KACHLEIN. We have stated that there were a number of standards that have been developed. For example, the Federal Government, in its purchasing, has developed a standard. We suggest—

Mr. MOSS. Are you aware of the fact that GSA's representative yesterday finally admitted they really didn't have much of a standard?

Mr. KACHLEIN. I wasn't here, sir. I am sorry; I didn't hear that.

Mr. MOSS. For all practical purposes, other than to be able to hold air, there is no standard. When you buy a tire, you don't really know what you are buying. Two-ply rated four. Are you buying four or two? You are buying two, aren't you? Is a two-ply tire safe at high speeds on a vehicle that is loaded to its maximum carrying capacity?

Mr. KACHLEIN. I could not tell you. I do know this, though: that the average person overloads his car when he goes on vacation. Many of the tires that have been tested for the so-called maximum are not the maximum of the driver. We see that very frequently.

We have met with the tire manufacturers. We had them present some of their ideas 2 years ago. We have cautioned them and advised them that they must come up with realistic standards. Now we are hopeful that some of the standards that they have developed may be of aid to the Secretary in determining the minimum standard requirement during the 2-year interim period.

Mr. MOSS. Don't you think perhaps you need a crash program to develop a standard which the Secretary should adopt?

Mr. KACHLEIN. We recommend in the interim that he adopt the best standards that he can find to set forth so that you are not waiting 2 years, sir.

Mr. MOSS. Again, I want to thank you. I have been a member of the American Automobile Association for many years and find that they are an excellent organization that performs services I have enjoyed and I think they are making an important contribution in training our drivers of the future.

Mr. KACHLEIN. Thank you very much, Congressman.

The CHAIRMAN. Mr. Rogers, did you have any questions?

Mr. ROGERS of Florida. Just one question or two. Thank you, Mr. Chairman.

What would be your feeling about the President appointing a board of experts to advise the Secretary on standards for tires?

Mr. KACHLEIN. We see many boards of all kinds. We see many that are volunteers and the like. I don't think this is a volunteer job.

Mr. ROGERS of Florida. I didn't say it would be volunteer.

Mr. KACHLEIN. I see, sir. This would be paid staff people?

Mr. ROGERS of Florida. Well, it would be an Advisory Board to make recommendations to the Secretary for him to set standards.

Mr. KACHLEIN. Advisory Board to the Secretary to simply give advice, but not make the Secretary follow the recommendations of the Advisory Board, is that it?

Mr. ROGERS of Florida. Yes.

Mr. KACHLEIN. I see no objection.

Mr. ROGERS of Florida. What do you think about requiring a certificate of safety to be placed on used cars before they are sold? This would be the buyer's assurance from the dealer that the basic standards of safety, the features of safety that we are concerned with, those which were established when the car was new, are brought to the standards which might have been established by the Advisory Board and the Secretary.

Mr. KACHLEIN. Would it not be better, sir, to have an inspection service with a certificate of inspection rather than a warranty? Frankly, I, as a car owner, do not know whether my car is in a safe condition unless some expert has gone over it and checked it thoroughly.

I refer you to, sir, the type of inspection that is being done in Austria, where no car may be sold without an inspection certificate. The inspection that is done is in-depth inspection, not just five or six or seven items.

Mr. ROGERS of Florida. I don't think you have grasped what I am saying. What I am saying is that the dealer, before he can sell the car, by law is required to see that that car meets the standards set, the minimum standards set by the Federal Government. That assures the buyer when he goes into a used car lot that the brakes work, that whatever safety features have been incorporated in the standards work and are certified to by the man who sells the car.

Mr. KACHLEIN. I can see no objection to a program like that. I can see the value behind it.

Mr. ROGERS of Florida. Thank you. I appreciate that very much.

The CHAIRMAN. Mr. Van Deerlin?

Mr. VAN DEERLIN. No, thank you, Mr. Chairman.

The CHAIRMAN. Are there any other questions by members of the committee? If not, Mr. Kachlein, on behalf of the committee I want to thank you very sincerely for coming and giving us the benefit of your views, inasmuch as you do represent a great number of the drivers of this Nation. Again I want to ask you: You do agree in principle with the bills? Perhaps there will need to be some amendment changes but you do agree in principle?

Mr. KACHLEIN. We do, sir, and we are giving it solid support through our 238 clubs and our members because this is a very fine forward step that has been longtime needed.

The CHAIRMAN. Thank you very kindly for coming to the committee.

Mr. KACHLEIN. Thank you.

The CHAIRMAN. The time has come when we have to adjourn. Is Mr. Ralph Nader in the audience?

Will you come forward and take a chair for a brief moment? I would like to make a statement. I will make it again.

I will say to you before we start that we will adjourn at noon. I don't think it is fair that you start for 2 or 3 minutes and then we be called to the floor. We will come back at 2 o'clock. I want to make the statement now and I will make it a little bit later when I have more members here because I think it is important, that as we continue these hearings I wish to make it clear that I consider the matter which we are dealing with of very great importance, that it is necessary that we maintain a judicial attitude toward every idea that is presented for our consideration.

Mr. Nader, this is not for your edification alone but this is for our committee and for all who appear before us. Some, perhaps most of the speakers, have decidedly pronounced views that may even be considered biased. Nevertheless, they are entitled to a courteous hearing. I must insist that they be heard courteously. We cannot produce a responsible bill on this highly controversial matter without maintaining the dignity of a great deliberative assembly.

There is a saying on Capitol Hill that men can disagree without being disagreeable. The reason I make this statement is that once or twice there have been statements from members of the committee impugning perhaps the integrity and motives of some of our witnesses. As chairman, I will not have this. We will try to get to the bottom of this very important matter in the best way we can.

I will make this statement a little bit later when we do have more of the committee here. But I wanted to make it now. It is the intention of this committee to hear all witnesses and to hear them out and not to impugn any of their motives.

Mr. NELSEN. Before we do adjourn, do you have unanimous consent of the floor to sit this afternoon?

The CHAIRMAN. I have asked to have it and I understood we might have it. It is my intention to come back at 2 o'clock and if we do not get permission we will come as soon as we can.

Mr. NELSEN. Of course you are at the mercy of someone on the floor who might make a point of order. I just thought it might be well for you to indicate that because certainly I have no objection and I intend to be here.

The CHAIRMAN. One member of the committee has stipulated that he intends to object to our sitting and thwarted the wishes of this committee while we have legislation on the floor.

I understand that we do not have much legislation this afternoon. We hope to come back and continue these hearings even if it goes into the night. I think it is so important that we should continue and we will go ahead and meet at 2 o'clock or as soon after as possible.

(Whereupon, at 12 noon, the committee recessed, to reconvene at 2 p.m. the same day.)

AFTER RECESS

(The committee reconvened at 2 p.m.)

Mr. FRIEDEL (presiding). The committee will now come to order.

I understand that Mr. Ralph Nader is to start with his statement. Mr. Nader, you may proceed.

STATEMENT OF RALPH NADER

Mr. NADER. Thank you, Mr. Chairman, distinguished members of the House Committee on Interstate and Foreign Commerce, it is a particular pleasure to have the opportunity to appeal here today. I would like to briefly explain why.

In a very real sense the public discussion and deliberation of the traffic safety problem in this country in its concentration on the engineering aspects of the problem began with the House Subcommittee on Traffic Safety, which was a subcommittee of this committee in 1956, under the chairmanship of Kenneth Roberts, and I believe that Mr. Friedel and Mr. Walter Rogers at the time were members of that subcommittee.

I had a personal attachment with that set of hearings because almost 10 years ago when I was at law school, in the mail came this volume called "Traffic Safety." Its message is just as true today as it was 10 years ago, although perhaps we are a little further along. It makes one recall how long it takes to get matters moving in an area when the needs are so crystal clear as they were presented by the handful of courageous researchers and public servants that filled a substantial part of this volume.

Many of them are still today trying to communicate the same message and I think their words are falling on more fertile ground; that is, judging by the activity at the congressional level since last year.

Now I realize that there are a good many witnesses who have come a long way to testify here today. I do not want to take up unnecessary time.

I think they should have an opportunity, since my views have been heard, and I can submit the statement which I made before the Senate committee. Rather than take up time with repetition, with your permission, Mr. Chairman, I would like to file my statement for the record.

Mr. FRIEDEL. Your full statement will be included in the record.

Mr. NADER. Thank you, sir.

(The statement referred to follows:)

STATEMENT OF RALPH NADER

Mr. Chairman and Members of the Committee on Interstate and Foreign Commerce, I am grateful for this opportunity to present some of my views on the automobile safety legislation before this Committee. The following remarks will be more generally addressed to the contemporary situation as it relates to the motor vehicle. For the record, I would like to submit shortly detailed amendments to H.R. 13228 for the consideration of the Committee.

The current ferment over automobile safety reflects a growing recognition throughout the country that automotive engineering can provide the most feasible, enduring, effective and least costly remedy to reducing casualties on the highway. Designing the machine to adapt to the man has marked the most

basic and rapid progress in other man-machine interactions such as the operation of mines, trains (the automatic coupler and the air brake, for example) and the operations of machinery in factories. It took years to abandon the notion that it is the man who is to blame, the man who must adapt to a dangerous and defective machine in running trains and operating factories. This near exclusive concentration on the man absorbed years marked by horrible human carnage. It is now 1966. It has taken so much longer to begin to shift the emphasis from the man onto the vehicle. And the toll of delay has been much more tragic.

Whatever may contribute to the accident, singly or in contribution—whether it be vehicle, driver, or highway environment, it is the vehicle which is overwhelmingly involved in the manner in which the motorist is killed or injured. Whatever the contributing factors to accidents, a crashworthy vehicle can make such failures—fail-safe. It is this second line of defense in the accident-injury sequence that is our first candidate for action because we can best control this strategically placed vehicle "net" and design it to catch safely the aberrant inputs of the accident episode. Rather than overcomplicate the quest for causes and search for ways to eliminate them, priority should be given to erecting remedies which will cut the causal sequence even if we do not understand these causes, and their relative importance. At what point we inject our resources and strategies for injury reduction in the accident-injury sequence is crucial. We can fritter away millions of dollars and precious years by misplaced strategies. Or we can attain almost immediate returns in safety by a greater appreciation of the feasibility and effect of engineering solutions. (Four years of auto production amounts to half of vehicle miles traveled).

The engineering viewpoint has gained greater verbal acceptance by Administration officials recently. Speaking before the Highway Research Board on January 18, 1966, Under Secretary of Commerce for Transportation, Allan S. Boyd, said: "Probably the most promising approach to significant, tangible improvements in highway safety in the immediate future lies in the application of modern technology. * * * Its application, in essence, means that we must understand the capabilities and limitations of the driver and then design improvements in the vehicle-highway system to make his driving more reliable and more effective. It means we can prevent accidents or mitigate their consequences by additions or modifications to the vehicle and the roadway."

Last November, Secretary of Commerce, John T. Connor, was quite emphatic in drawing upon the findings of the Bureau of Public Roads:

"So the Interstate System is getting results. And it is getting them because highway engineers relied on facts and rejected the emotional and widely held, but fallacious, belief that almost all accidents are somehow caused by driver error or failure, through carelessness or irresponsibility.

"This belief stems naturally enough from our system of accident reporting, which tends to be in terms of traffic violations, and from our concept of legal liability, and it has been reinforced by well-publicized safe driving campaigns. It leads, of course, to the assumption that, if almost all accidents are caused by driver error, the way to eliminate them is to make all drivers drive better.

"And since most motorists consider themselves good drivers, it leads further to the assumption that most accidents are caused by a small group of dangerous, accident-prone drivers. Therefore, if we could get them off the road we would not have accidents.

"Unfortunately, these assumptions are not supported by the facts. An analysis by the Bureau of Public Roads just last summer showed that almost an entirely different group of drivers is involved in accidents each year, and removing the repeaters—those who have two or more accidents in any one year—would have virtually no effect on the following year's accidents. The facts are that the great bulk of accidents involve average, normally responsible drivers. No one is immune. It is the accumulation of rare accidents, occurring to all too many generally good drivers, that principally account for our annual traffic toll.

"The fact is that most drivers, most of the time, are driving near the limits of their ability—considering the complexity of the traffic situation and of the driving task. . . . In our pursuit of safety the emphasis on remedial engineering rather than reprimand represents an important breakthrough."

This history of safety in our machine age has shown convincingly that the genius of man in protecting himself from his machines proceeds from his efforts in designing machines to adapt to human capacities and limitations, so as to reduce accident risk, and to guard against the consequences of the accident by

preventing or minimizing the severity of the injury. In 1961, General Motors engineer, Kenneth Stonex repeated in an article a well known precept: "One of the fundamental principles of safety engineering is to anticipate every possible type of accident which may occur because of machine failure or human failure and then to establish safeguards to minimize the hazards or injury which may result when such a failure occurs."

A chief thrust of the critical reaction toward the auto industry is that directed toward applying this principle far more pervasively to the design and construction of automobiles. Yet to the present day, the industry shows a profound disregard for it.

To illustrate, in the January 1966 issue of *Popular Science*, Hubert Lockett, editor, described the front bumper design of the new Toronado as "insane." He wrote: "It shares this monstrous affront to commonsense with several Detroit cars this year. A massive wedgelike projection on the sides would be murderous to a hapless pedestrian unfortunate enough to step in its path. And it could easily hang up on a guardrail post, turning an otherwise minor mishap into a disaster."

General Motors' response to a complaint about this fender bumper design was traditional. GM President James Roche dismissed a motorist's complaint in February 1966 with the statement: "As regards your opinion concerning the Toronado front fender design, we have not had any reports of difficulties." The point about this attitude is that consumers are expected to prove their contentions with corpses or bloodied bodies. Instead of engineering foresight in design and testing at the company's facilities, America's highways are the proving grounds.

Another example is the carbon monoxide hazard to drivers that results from the absence of adequate controls on auto exhaust emission. Carbon monoxide is a tasteless and odorless gas. In high doses, it is of course lethal. In lesser doses, ranging from 30 ppm to 120 ppm, and depending on the length of exposure, the driver can become fatigued, drowsy, and nauseous. These exposures exist on many crowded highways such as those going into and out of our large cities. Yet the first studies relating to this hazard were done by government and University scientists on public funds largely, not by the industry that produces the product. Engineering foresight in the auto companies did not extend to this hazard.

The current Deluxe pushbutton seat belt, being sold on an extra-cost basis by General Motors and Ford (over 8 million belts are presently on 1965 and 1966 model cars) presents hazards of opening by an impact on the buckle, not the pushbutton only. The type of blow on the buckle can occur in accident situations where the buckle strikes the steering wheel rim, or one's arm or fist is shoved onto the buckle or a package is thrown against it. An open buckle in collision becomes a deadly, leashed missile which can and has caused the most serious injuries. Ford and General Motors know of this weakness in the Deluxe belt and have tried to find a "fix" for it. Yet notwithstanding their inability to do so, they are continuing to sell this more profitable belt and the consumer is continuing to believe that he is getting the safest possible belt on the market by paying an extra \$12 or \$15 for a set of four above the cheaper and safer standard type lift up belt. Anyone with these belts can see for himself the simple empirical tests such as laying the belt on a table with two people holding either end tense and one of them hitting the top of the buckle with his fist and having it pop open. (A flat piece of metal can be placed on top of the buckle to insure that the fist does not go into the depressed button section). Mr. John Bugas of Ford Motor Co., representing the industry last week before this Committee, denied that the belts had this weakness on impact to the buckle. He said that these belts meet federal and SAE standards, enhance increased usage, and that tests showed that no such problem existed. Mr. Bugas did not provide the test results. The federal and SAE standards do not have a specific standard and test for this type of failure. And the front seat retractors, which are believed to increase usage, could be placed just as easily on the standard type seat belt. Perhaps the major supplier of these belts to the auto companies, Hamill Manufacturing Co., of Washington, Michigan, should explain how it could produce a belt that took between 2 and 2½ lbs. of pressure on the pushbutton to open and why it very recently stiffened the spring so that it would take 3½ lbs. of pressure.

About the only things the Deluxe seat belt has to offer the consumer is a higher price and possibly a more attractive buckle centering around an insignia-laden pushbutton—a deadly kind of pop art.

The flagrant absence of engineering foresight, to head off avoidable injury, is seen in a statement by John Swearingen of the Federal Aviation Agency in his already pioneering and classic study of human tolerances and automobile dash panels (released by the FAA in July 1965). Mr. Swearingen wrote: "There is a shameful and needless loss of life and facial destruction in crash impacts with transportation vehicles. Man, in a vehicle, is surrounded by rigid tubes, angles, knobs, heavy door posts, sharp instruments, and heavy metal of small radius of curvature (to name a few) all designed to impact the face and head on very small areas.

"This study has shown that if this environment were changed to a medium-weight deformable metal (without heavy structure directly behind it) with a radius of curvature of 6 to 10 inches for energy attenuation and padded with 1 to 2 inches of slow return material to contour to the bones of the face and distribute the impact load over the available area of the face, it would be impossible to produce facial and forehead fractures in crash impacts."

What can increase the exercise of engineering foresight for safety by the auto companies? The requirement that they shoulder the burden of proving their products safe instead, as is the case presently, of the motorist having to prove that it is unsafe. A few weeks ago, Volkswagen representatives arched their eyebrows at assertions that their vehicle displayed serious safety shortcomings. They hurled back replies of "absurd." That is not a sufficient reply, however. Motorists may wish Volkswagen to be more specific about the ability of the automobiles on the road to take collision forces from various angles, the degree to which its fuel tank is exposed to rupturing, the crash resistance of its door latches and its exposed steering column, the quality of its ventilation, the fade characteristics of its brakes, the visual environment it affords the driver, the stability of the vehicle in certain expected driving maneuvers and conditions, and its acceleration capability in emergencies. These characteristics in the VW over the years leave much to be desired. It is common knowledge at various University engineering faculties in this country that the VW is an unstable car that often places unreasonable strains on the driving task. Studies of actual accidents in Indiana, Massachusetts and elsewhere, as well as investigations and tests by Mr. Alfred Moseley (Trauma Research Institute, Cambridge, Massachusetts) and former head of the Harvard accident investigation study), and Dr. Alan Nahum (University of California at Los Angeles), Professor Thomas Manos of the University of Detroit and Dr. Merrill Allen of Indiana University in the fields of collision performance, handling and visibility respectively, indicate clearly that this manufacturer should begin spending some of its profits on known safety improvements available in West Germany that are now denied the Volkswagen.

The same burden of proof concerning the road worthiness and crashworthiness capabilities of their vehicles not met by American cars. Is there any reason why the buying public should not be told of the specific qualities of automobiles so they can make an intelligent choice in the marketplace? Disclosing such facts might have a substantially salutary effect on increasing the *quality* of competition in the industry. It is easier to be sluggish and technologically stagnant behind a shield of secrecy that keeps the consumer ignorant of the functional values of new automobiles (even such a basic fact as brake stopping distance*). Indeed, this contempt for the consumer's right to know has reached the point where Buick advertised last year in U.S. News and World Report its Skylark as a "Howitzer with windshield wipers * * * almost like having your own, personal-type nuclear deterrent."

In concluding these brief remarks, I cannot emphasize too much the necessity of preserving and improving a climate that encourages disclosure, candid expression and diversity of viewpoints both in government, industry and other centers of knowledge and action that relate to auto safety.

This Committee has requested from the Division of Accident Prevention of the Department of Health, Education and Welfare a forthright description and anal-

* (The over-rated and over-priced Rolls-Royce has poor door latches. According to Derwyn Severy of the University of California at Los Angeles, at a 20 mph impact, the Rolls Royce's doors, hood and trunk will come open.)

ysis of its completed research studies that it has funded over the years. It is highly advisable that the same request be made of the Bureau of Public Roads in the Department of Commerce. The Bureau has been contracting for many studies over the past decade in traffic safety. It too has failed to make these studies as conveniently available as it should. It too has neglected analyzing these studies and express publicly what policy significance and recommendations can be made from their findings. After all, the purpose of these studies is to advance safety; so their findings should be related to action or recommendation for improvements in accident-injury prevention measures. Unless there is a dynamic and continuous link between research and action, research is of little use, and there is very little momentum generated to support further research. A report by Northwestern University about 5 years ago detailing the findings of some 100 accident investigations should have told us a good deal about the causes of accidents. Perhaps it did. But if so, only the smallest number of people are aware of these lessons. Dissemination of the findings has been very limited; few people even in the field of traffic safety are aware of them. The Committee may wish to give close attention to insuring that a process of analysis and recommendation be normal operating procedure in the agencies administering traffic safety laws. It is a matter of the highest importance that a comprehensive information policy be included in any legislation to provide guidelines and safeguards pertaining to the disclosure and use of technical knowledge. An unwarranted partial or partisan use of such knowledge can prove to be the most serious of obstacles to safety advance.

The auto industry's performance in safety could have been substantially improved if the casualty insurance industry had accepted its responsibilities to its policyholders and the public. Yet the auto insurance underwriters have chosen to remain silent throughout the years. They rate drivers as to their characteristics and records but have refused to develop a rating system for automobiles. (The New York State Insurance Commissioner, Henry Root Stern, is launching a study to ascertain the requisites of such a rating policy.) These insurance companies are proud of the detailed accident data they possess, but recoil hastily when demands are made to compile them in a way to determine vehicle differences and make these compilations public for use in prevention programs. Casualty companies have been quite rigorous in seeing that ships are built safely and factories are operating with minimum hazards but when it comes to cars, its "hands off." Several reasons have been advanced for this diverted posture. The auto companies comprise large customers for casualty underwriters, the ample investment income and the success in obtaining rate increases from the states to cover rising claims payments, the aversion to publicly criticizing and attempting to discipline the auto industry for fear that a Pandora's box will be opened that will reach back to the auto insurers themselves, and the restraints flowing from interlocking directorates (See "Interlocks in Corporate Management, A Staff Report to the Antitrust Subcommittee of the House Committee on the Judiciary, March 12, 1965) and insurance company holding of auto industry equities help to explain why the natural countervailing force for the auto industry has abdicated its role.

Perhaps another reason, a more generic one, is the absence of business statesmanship on the part of casualty company executives. It is tiring for one to be told again and again in private how delighted these executives are over the public pressure for safer designed cars, but that of course one would understand why such delight cannot be expressed publicly. One does not understand! Such inhibitions have cost this country dearly.*

It is deplorable, to anyone who appreciates the kind of contribution that the casualty insurance companies could make, to note that not a single company, nor any of the trade associations have come before a Congressional Committee and shared their experience and information with legislators who are trying to obtain the fullest information on which to consider traffic safety legislation. (The Insurance Institute for Highway Safety statement certainly did not meet this

*On July 21, 1965, before the Senate Subcommittee on Executive Reorganization, Arjay Miller, President, Ford Motor Co., stated on behalf of his company that "We shall propose an expanded program of cooperation between our company and the automotive insurance industry, designed to establish a correlation between the safety design and maintenance characteristics of each vehicle and the cost of automobile insurance." It would be instructive to learn what has developed along these lines in the ensuing nine months.

need). Such self-censorship amounts to cowardice and irresponsibility—it contributes to a deterioration of the health of the private sector in checking and balancing excesses by one economic group against the public interest.

Finally, the auto industry, by appearing through the Automobile Manufacturers Association before Congressional Committees, has succeeded in presenting a united front on policy issues. This makes it all the more difficult to elicit a diversity of viewpoint and specific information from the various manufacturers and encourage individual presentation so consonant with the theory of competition. Instead, speaking with one voice, little is said. When little is said, there tends to be even less asked. The record suffers from permitting such a preconceived position of unanimity which in turn allows the unfettered play of intra-industry power to stifle possible dissent or differences in response. And so do the people.

MR. NADER. I would like to make a few short points in addition, however, which are not covered in the statement. These have no particular sequence of priority. They are just points that I think should be made, that have been neglected.

I think we should turn considerable attention to the problem of motorcycle safety. The sale and use of motorcycles in this country are skyrocketing. The number of deaths in 1964 reached a thousand. Last year they soared to about 1,500. The question of motorcycle safety has been treated extensively in Western Europe and the Parliaments in some of those countries have come around to a cheap remedy for preventing considerable serious injury and death; that is, the compulsory wearing of helmets.

The basic research has been done here in terms of trying to determine how frequently people strike their heads in such accidents. Improved types of helmets have been developed, and laws exist in Europe requiring all motorcyclists to wear these helmets.

It is significant that in this country there is not a single State that requires motorcycle riders to wear helmets. I think this is one of the most clear-cut measures which can be pushed either at the congressional or the State level. At least Congress can give some leadership in focusing on the problem.

We are getting a tremendous upsurge in sales and the commensurate fallout in injuries and deaths will continue upward.

There should be a great deal more attention to the problem of school buses. That not only includes the braking problems but also the area of how do you protect the children, the seat belts, eliminating the hard metal rods that strike them in collisions or in just simple play while they are on the bus.

The problem of doors falling open and children being spilled out or the problem of windows being highly susceptible to popping open or shattering in a very hazardous fashion are also elements of this problem.

The problem of cost has come up quite frequently. In the latest context the manufacturers want to insert a clause in the bill as they sought it to be revised, saying that the Secretary shall take into account costs.

I think that any administrator would obviously have to take into account cost elements by the sheer necessity of the problem as cost obviously is taken into account in aviation and in ship safety. But if the manufacturers are going to insist on a clause in the statute about cost then I think it must be insisted in return that they reveal their cost

figures. They can't have it both ways. They can't say cost meaning retail cost and have that taken into consideration unless we realize and determine how large their actual markup is.

Another area, briefly, is that of inventiveness. I have been impressed over the years with the tremendous number of ideas about automobile safety that have come from every nook and cranny in the country. Admittedly, many of these are farfetched but many are not. In our past, we should have learned to respect the entire volume of innovative proposals because that one out of a thousand or one out of a million has had such a great impact on the country's technological advancement.

What troubles me is not the lack of inventiveness. There seems to be a good deal of that. What troubles me is the fact there is no process by which the inventors can have their inventions evaluated fairly. You see the tremendous frustration building up by inventors who cannot get proper hearings by the manufacturers. There is the patent problem. There is the problem of concentration of the industry, reluctance of the industry to pay royalties and many other complications.

I think any Federal traffic safety role should include some sort of institution which can process these and give them a fair evaluation so that we can reap the full benefit of the population's genius as well as encourage more innovative effort because inventors realize they will be heard if they come up with something.

The matter of advisory committees has come up. I think it is quite evident that there will be advisory committees whether the legislation mentions them or not. Therefore, the issue rises as to whether the law should have suitable guidelines for the type of advisory committee that is set up to advise the administrator. I think this would be desirable at least to the extent of trying to assure that there is a viable and substantial consumer representation on the advisory committee and that the committees' deliberations are made public by having a public record taken of the proceedings.

Advisory committees tend to become a minor branch of Government these days and it is best that their work be more clearly defined, their representation more precisely delineated, and their deliberations transcribed for the public.

The problem of information policy is a very crucial one. You heard last week the manufacturers state that they had thousands of standards dealing with safety. One company had 2,000. Other companies presumably had a similar number. But there is no offer to make these standards public. Therefore, it is really not much more than a numbers game unless we realize that the public should have access to these if they are going to be taken at their face value, that is if there is an allegedly serious concern at a high level with safety standards developed by the companies, themselves.

There are many other questions which will not be answered in the administration of the bill unless there is a specific information policy written into it. The problem of disclosing studies, the problem of making available facts to various parties in interest, the entire overall and pretty gigantic problem of the partial or partisan use of technical knowledge I think should be confronted squarely because more and more, of course, he who has possession of knowledge and what he

does with it is quite related to the type of power, the type of tyranny perhaps that occurs, over the particular policy area.

This is particularly important in the area of automobiles where there is such a strong commercial interest in the way a particular study comes out or does not come out.

The final point I would like to make deals with the matter of criminal penalties. I think this must be faced. Most of our safety laws have criminal penalties written into them. Not that these are going to be imposed with any great frequency or severity but the fact remains that as long as outrageous behavior can be envisioned, however infrequent, there should be a criminal clause, a criminal penalty clause in the act just as there is in aviation, for example, food and drug, and many other areas.

You will notice that the administration's bill does not have a criminal penalty clause in it and I think this should be corrected. Too often people can do rather horrible things behind a corporate shield and not be culpable for it, not be taken to account for it.

If they did those things as individuals they would be severely punished. Since there is this type of institutional corporate shield that has grown up out of corporate law in order to protect business risks and the tremendous complexity of decisions filtering down, there should be some residual clause in the bill that says if you do go so far, willfully, and knowingly obstruct procedures or sell cars with serious defects and so forth, that there be this criminal penalty.

If an individual did the same thing he could very likely get life imprisonment, acting on his own behalf.

One final point dealing with the compact which was brought up. I always thought that Congress was the suitable compact for a problem so national in scope and so persuasively interstate in character. I think that the attempt to try to have an administrative commission such as the VESC, which issues safety standards and then sends them back to all the State legislatures for approval is a very cumbersome and unpredictable system. There are clearly areas for State action and there are clearly areas for congressional action, and our Founding Fathers developed the Federal system for a purpose.

I think it is an unnecessary interlay between the State and the Federal system and in a sense a violation of the spirit of regional State compacts to extend the compact principle in the auto safety area over 50 States.

If it can be extended over 50 States it could far more legitimately be placed in the Congress.

That is the extent of my remarks, Mr. Chairman.

MR. FRIEDEL. Mr. Nader, I want to commend you for devoting your time to such a worthy cause as traffic safety. You recalled the Roberts committee was created 10 years ago. As you state, I was a member of that committee. We did visit the plants, we saw a lot of research being done and we knew then of a lot of known safety devices that were optional equipment. Now they are coming around to where they are making them standard equipment. Not enough, but they are coming around.

One of the big problems that we found then was the advertising of horsepower. Each automobile manufacturer was trying to promote

more horsepower than the other. Nine persons out of ten that we saw on the street when you spoke of horsepower would only think of speed. We mentioned that. They did finally agree voluntarily to stop advertising horsepower.

The committee has tried not to interfere with States' rights.

In your comments you mention the penalties but did not say anything about the driver. Do you have any feelings on that end, the driver or driver education?

Mr. NADER. Pardon me?

Mr. FRIEDEL. Driver or driver education, is that necessary in your opinion to have more careful drivers on the road?

Mr. NADER. Yes, of course it is desirable to try to find methods which will make the skills of drivers in manipulating their vehicles more effective. I make a distinction between driver education and driver training. Driver education is largely learning rules and that kind of communication lecture process.

The more difficult area of driver training is something that we have hardly begun to perfect in terms of how you actually do it. We have gotten to the point something like the speed reading classes. You think you go up very fast the first 3 or 4 weeks but after awhile you are back to normal. So that the teaching of something is quite different from making it a habit, making it a habitual and instinctive type of response.

As my remarks would imply, I don't hold much brief for the existing driver education treatment and philosophy. I think it has been largely a waste of time.

Mr. FRIEDEL. Each member is limited to 5 minutes. So I am going to observe my own rule.

Mr. FARNSLEY. I realize that we ought to read his statement before we ask some questions but I am now to the point that I wear trifocals. Could he give us a boiled-down version of his statement? I don't want to delay things.

Mr. FRIEDEL. Mr. Nader, would you care to do that?

Mr. NADER. Yes. I think one of the points which experience brought out, Mr. Chairman, when you went to Detroit, and looking back on your experience 10 years ago brings out one of the points which I would like to make; namely, that there is many an excuse between research and use so far as the automobile industry is concerned.

The question is clearly we need to do more research but there is also an ancillary question as to how much can be done now? I don't think it takes much new research and we certainly have a good deal of old and accomplished research to take advantage of, not only in the automobile field but aviation and other areas of transportation, to make a significant advance in the safety of the vehicle.

This comes to my major point as to why I emphasize the vehicle. In listening to the questions by the committee members today I see a very legitimate interest in trying to determine cause of accidents.

I would like to make two distinctions. One is you can have the accident and still be safe if you have a vehicle which will protect you in a collision. More importantly perhaps is this, that while there are many causes leading to an accident the interaction of the vehicle, the highway, the driver, weather conditions, and so forth, and there are

many causes which lead to this phenomenon, the vehicle is overwhelmingly involved in the production of the injury.

The question will be asked: Why worry about preventing injury because if you prevent the accidents you don't have to worry about the injury?

The reply to that is that the knowledge in terms of preventing the injury is much closer at hand than the knowledge in terms of preventing the accident. The causes that lead to accidents are tremendously complex. They deal with human behavior and with a wide input of factors. But as they come in, in their hazardous way, and as they zero into the accident situation, there is a net that can catch them all and render them fail-safe if that net is a crash-worthy vehicle.

That is one of the principal reasons why I emphasize the vehicle because I am not so much concerned with cause as I am with remedy. It is like, to take an example from the medical field: You have many causes, speculative or determined for polio but what was the remedy? It was a vaccine.

The point is that if you can find a remedy that will cut the casual sequence in a prompt, cheap, enduring, and effective manner, then you can in a sense simplify the process and not go to the extent which many of our people working in the field of traffic safety tend to do and that is try to overcomplicate it. They try to overcomplicate it because they look at the issue from their respective discipline.

A psychologist will look at it and be fascinated by the tremendous range, the great spectrum of psychological aberrations that will lead to an accident situation. But we can avoid these. We can take a basic principle of engineering safety which is to anticipate the area of hazard and move in fast strategically and cut the causal sequence even though we don't understand all of the causes that lead to the accident or to the injury.

One of the prime lessons of the advance of safety in the interaction between men and machines, whether it is in transportation, such as on the railroads with the automatic coupler or the air brake, or when it is in our factories with hazardous machinery or in our mines, the great progress has come by designing the machines to adapt to the limitations and capacities of the human operator.

So it is easier to design a safer machine than to expect the human being to adapt to an unsafe machine environment. Perhaps another way of looking at it is this: Since Paleolithic times, man has not basically changed his motor and sensory characteristics. He is the same biological organism. Moreover, his tolerance in terms of his ability to take blows has not changed.

So which is easier: To try to convince 95 million drivers to habitually and all the time refrain from panic application of the brake in emergencies, particularly on wet pavements, because this will lock the brakes and they will lose control of their car; or is it easier to design an antilocking braking system into the vehicle?

Which is easier: To try to change the biology of the human being so that he can take tremendous blows which now kill him; or is it easier to build a flat and yielding instrument panel that can take tremendous blows and still not fracture the individual's face?

Perhaps it is an oversimplification, but I think the choice is eugenics or engineering. In eugenics, even if we know how, we would have at

leave a 17-year leadtime. The engineering solution is always a more enduring one, and it is always the one that tends to bring out the more creative genius of man for safety. That is the whole index of the progress of our material civilization. We try to improve our instruments so that they do what we want, so even if we fail in operating them, we don't have to pay for it with our lives.

I will go so far as to say that a humane automotive technology of a civilized society will even want to protect the drunk from his indiscretions, in addition to the people who are driving innocently down our highway and are struck by this drunk. We have not yet decreed capital punishment for drunken driving, and I don't think we should expose him to preventable death for that one indiscretion, as it so often is, after he has made literally hundreds of thousands of appropriate driving maneuvers safely as, incidentally, most drivers do before they make that one mistake which over a period of 800 billion miles a year and 95 million vehicles pile up to a deadly toll. Even the drunk should be given a second line of defense, which is a crashworthy car.

That is a good deal of the substance of my statement. I would draw your attention to the comment by Secretary Connor, who was relying heavily on research in the Bureau of Public Roads. This statement by him last November indicates the new direction of the research specialists in what hopefully is going to be a dynamic traffic safety endeavor in this country.

I can't emphasize too much that you do read, when you have time, both Under Secretary Boyd's and Secretary Connor's addresses here because I think they take in very well the role of the driver here and the role of engineering remedy as contrasted to multiple causes.

I go on to give some examples of the type of attitude by the industry which I think contradicts basic safety engineering principles of foresight; that is, you don't always have to wait for statistics to prove a hazard. You don't have to wait for the bloody returns to note that a deadly tail fin or a hood ornament or the sharp chopper of a Mustang is deadly.

The whole idea is to anticipate risk and design around it. We do it so brilliantly these days in our missile systems and our space endeavors and other areas of industry, I think it is about time that the auto industry's management liberates the engineering skill and genius right in their own companies and tell their engineers to begin designing creative, humane automobiles instead of extruding the same obsolete type of vehicle year after year. I think three decades of obsolescence in this area is enough when you consider what the injurious consequences are.

I then make one final point, just to finish up. I think a good deal of the problem has arisen because organizations in the private sector have not met their responsibilities to counteract the excesses of the auto industry. It is one of the great benefits of our pluralistic system which unfortunately does not work quite as well as it is often described that every group is seeking to advance its self-interest.

In the collision of interests we discipline ourselves. We are disciplined. This happens in my own profession, the legal profession. Many of the basic law reform or court reform movements came from outside. They were laymen, not lawyers, unfortunately.

In the area of the automobile industry, the companies have been living in a kind of isolated world. They have not had a feedback, they have not been subjected to systematic criticism, they have not had to meet external standards of performance, they have kept the consumer in relative ignorance so as to take away his consumer's sovereignty.

If you would like some examples of that, try going down to your dealer next week and ask him what the break-stopping distance of that new car you might want to buy is. Ask him anything about the safety performance of the car and he can't give you the facts.

He can tell you what acceleration capability is or the horsepower rating, but he can't give you the essential quantitative value of how roadworthy the car is in terms of tires, brakes, and carbon monoxide leakage, and so forth, and he cannot tell you how crashworthy it is when or if you are involved in the 10 to 30 million accidents that occur every year.

This is the type of consumer ignorance that is so reflected in the advertising of companies with their appeals to power, style, lust, and their almost crude, vulgar incitations to aggression, the ad which I have cited here, for example, calling a Buick Skylark "a howitzer with windshield wipers; your own personal type of nuclear deterrent." This is the peddled concept of a machine that kills 50,000 humans a year in this country.

You would think that the better part of business prudence would be to restrain such advertising unless they had studies showing there is no transferral effect from the advertising to the behavior, particularly on teenagers.

The whole area of animal growls and names has grown to such an extent that when you turn on the radio you think you are about to hear Tarzan of the Apes or the circus is coming to town. What it is really is the Pontiac widetrack tiger that you can ride out in tiger country—formerly known as your Pontiac dealer.

This is the communication process by which the consumer receives information about his automobile. How can he begin to appreciate rational and sound engineering innovations. Instead, his whole value system is oriented to appreciating trite and trivial expensive style changes. It is like having only four publishers in the country; all they publish is pornography. When they are asked "Why don't you publish classics?" the answer is "The public does not demand it." I think the automobile industry has been kind of purveying a sort of automobile pornography of its own.

Mr. FRIEDEL. Mr. Nader, on page 4 of your statement you make this charge—

Mr. CURTIN. May I interrupt? Are we going to adjourn to make the quorum call?

Mr. FRIEDEL. We will recess and come back. Just wait a moment.

On page 4, next to the last paragraph, you state:

The auto industry's performance in safety could have been substantially improved if the casualty insurance industry had accepted its responsibilities to its policyholders and the public. Yet the auto insurance underwriters have chosen to remain silent throughout the years.

What do you think the insurance companies should have done?

Mr. NADER. I think, Mr. Chairman, that the responsibilities are to the policyholders and to the public. They are in the following

categories: The insurance companies are very closely associated with the traffic safety problem. They have on other occasions asserted that they have great sources of data here, that they have a great amount of statistics because people tend to be more frank and more willing to disclose it when it involves the prospect of being paid an insurance claim.

My question is: What have they done to this data aside from keeping them for their own corporate purposes? One would think that the insurance companies would want to reduce their loss claims if only to make a greater profit. Unfortunately, there are other considerations which I pointed out in that paragraph which have tended to make the insurance industry accommodate its views to those of the auto industry.

Consequently, there has never been in this era of computerization, where data can be systematized and processed and retrieved with great precision, there has never been a pooling of this data by any insurance trade association. Nor have any of the large insurance underwriters done it on their own, to determine whether there are various correlations between new cars and accidents, poorly maintained cars and accidents, et cetera.

They have even gone to the point of discovering defects, design defects in cars that have led to injury, paid off the claims, turned around, gotten indemnification from the auto company, and just settled it right there without informing even their policyholders who had the type of vehicle that was involved.

That is the first area of responsibility which I think they have not fulfilled anywhere near as adequately as they could.

Another area would be in the area of exerting pressure and sponsoring research in automobile safety to try to subject the auto industry to a closer realization of its own potential. Liberty Mutual has been an exception here. Over the last 10 years, they have been involved in the creation of prototype cars on a rather crude level. They have just launched a \$500,000 program to build their third prototype car. At least in terms of trying to establish external standards of performance and initiative and encouragement, they have done relatively well. But the other companies have shown little interest in Liberty Mutual's work. They have been, in effect, treating the automobile as a taboo.

If you will look at the statement of the Insurance Institute for Highway Safety, which I am sure you heard last week, I believe, you will see very little reference to the vehicle, although it is well known that insurance executives are extremely interested in having safer vehicles produced. They are privately encouraging this growing realization on the part of the public, but they refuse to do so publicly.

I don't think that is anywhere near achieving the stature of corporate citizenship and statesmanship that they are entitled to if they only awaken to their responsibilities. That is basically my criticism of the insurance industry. It is a classic noncountervailing force which could be the classic disciplining force on the auto industry, certainly it is big enough to, and if it would only process its data in such a way to have cars rated according to their accident and injury proneness, the way they rate drivers according to drivers' accident records

and whether they are 25, female, unmarried or whatnot, then they would, in effect, be penalizing unsafe cars by surcharging them and rewarding safe cars by reducing the premium and, therefore, serving as an incentive for the auto industry to avoid in the next year's model such designs and to promote safety features on next year's models. This has not occurred.

Gratifyingly, the insurance commissioner of the State of New York, Henry Stern, has begun a study to determine what is necessary to put such a system into effect. With the advent of the computer, tremendous advances can be made in the refinement of the data which were never thought possible 10 years ago. I think that is possibly what Mr. Stern has in mind.

The CHAIRMAN. In conclusion, then, you think that the insurance groups could do a lot more in being helpful in preventing accidents and leading the way.

Mr. NADER. Yes, they could have done a lot more and made it less necessary for a stronger Government role. They could have if they had started 30 years ago.

The CHAIRMAN. Do you think that it ought to be the insurance commissioner of the different States who takes a lead in this, or the insurance companies themselves, or a combination of both?

Mr. NADER. Well, Mr. Chairman, the initiative could come from both at the same time, like the insurance commissioner of New York is, in a sense, conducting the study with the three principal rating bureaus. If the rating bureaus decide to rate cars, the rating bureaus are groups of insurance companies, they still have to have approval of the States. So the State insurance commissioners are crucial here, as well.

The CHAIRMAN. The committee will stand adjourned until 3 o'clock so that we can answer a quorum call.

(A short recess was taken.)

The CHAIRMAN. The committee will come to order, so that the chairman might make an announcement—and I very, very reluctantly make it.

We have had an objection from a member of this committee to sitting during the markup of the bill which is on the House floor. According to the rules of the House, we cannot continue in session. I do not know how long this bill will take. I am hopeful that perhaps it will not take too long and that we might be able to continue this hearing today.

Mr. Nader, can you be around an hour from now, or maybe an hour and 15 or 20 minutes?

Mr. NADER. Yes.

The CHAIRMAN. I will say this: that at 4:15 I will know whether we are going to be able to resume these hearings this afternoon. If we cannot, we will resume them in the morning. If we can, I would like to resume. Let us make it at 4:30.

Mr. MACKAY. Mr. Chairman, there are several witnesses here from out of the city who have come from some considerable distances who have the kind of testimony that I think would cause a member of the committee to want to have an opportunity to cross-examine them.

Are you able to tell us at this time whether there is any possibility of having any of the additional days of hearing on this subject?

The CHAIRMAN. According to the way we are going now, it looks like we will have at least 1 day next week, and more likely 2 days.

Mr. MACKAY. On this bill?

The CHAIRMAN. On this bill. For the reason that we do have many witnesses from out of town, I am anxious to continue, if at all possible, this evening. Some men who are here from different sections of the country have said they would have to rearrange their plane schedules and appointments in other places in order to try to accommodate the committee.

Mr. MACKAY. The reason I asked is that, in particular, Mr. Moynihan, here, is a particular type of expert witness qualified to talk about data and what you do with data. It has run like a thread through the whole discussion that we don't have adequate data. I particularly would like to hear his testimony concerning what you do with it after you get it, and what the possibilities are.

I cite Mr. Moynihan as an example of the type of witness that I think could make a major contribution to our shaping of the final bill. I am sure many other witnesses are in the same category.

The CHAIRMAN. I assure you that the ones who have talked to the chairman have something to contribute. I think it is very worthwhile. I certainly will do everything I can to accommodate them, but my hands are tied under the circumstances.

I will say at 4:30 this committee will reassemble. If we can continue then, we will. If not, I will make the announcement and we will have to go over until tomorrow. Therefore, the committee will recess until 4:30.

(Whereupon, at 3:10 p.m., the committee recessed, to reconvene at 10 a.m., Thursday, May 5, 1966.)

TRAFFIC SAFETY

THURSDAY, MAY 5, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to recess, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

The CHAIRMAN. The committee will come to order.

We have two Members of the Congress whom we will recognize briefly before we proceed with Mr. Nader.

We had some interruptions yesterday afternoon which we could not help, so we are delayed and a little behind time in our schedule. We hope to try to catch up.

We have with us today two Members of Congress whom I would like to recognize briefly. First of all, I would like to recognize my colleague from the great State of Georgia, Phil Landrum, Congressman from Georgia, and an outstanding Member of the Congress.

He has taken the time to come over here with his constituents to introduce them to this committee and to say a few words in their behalf.

I would like to say that Phil Landrum has made a great record in the Congress of the United States and great contributions. I am sure that all Americans agree with my statement.

Phil, we are glad to recognize you at this time to introduce your constituents. I assume they understand they will have to present their statements later in the day.

STATEMENT OF HON. PHIL M. LANDRUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

MR. LANDRUM. Thank you, Mr. Chairman. Of course, I am very grateful and humble for your most generous remarks, and I am very grateful to you and the committee members for giving me the opportunity at this time so that I might go to another engagement in my committee, to bring to your committee this very distinguished group of Georgians representing the Safety Committee from the Georgia Legislature.

The committee is made up of four members of the house and four members from the senate. There are present today to speak on this legislation seven of the members of that committee, the chairman

of which is Representative Bill Williams, from Gainesville, Ga. Bill has been an outstanding member of the Georgia Legislature, and he has been very active in the field of safety legislation.

Mr. Williams will be chairman of this group, and I understand, the spokesman for them when their time comes. They do understand they will present their testimony later.

The other members present from this committee are, from the house, Mr. Roy Lambert, Mr. Bobby Johnson, Mr. Crawford Wair; and three members from the Georgia State Senate, Senator William Circe from Savannah, Senator Earl Edwins, and Senator Edward Hughes.

I am sure the committee will profit by the information that these members from our Georgia Legislature will bring. I take great pride in presenting them to the committee.

Thank you again for giving me this pleasure.

The CHAIRMAN. We are very happy to have had you with us this morning, Phil.

Our next Member is John R. Schmidhauser of Iowa.

Congressman Schmidhauser, you are to be congratulated for taking the time to come before the committee this morning.

STATEMENT OF HON. JOHN R. SCHMIDHAUSER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. SCHMIDHAUSER. Thank you very much, Mr. Chairman. I know you have an exceedingly heavy schedule. I want to take occasion first to commend you and the members of your committee for the tremendous contribution that you are making to the American public.

I would like briefly to set out a problem that I would ask this committee to consider while the record is open on the overall problem of motor vehicle safety legislation. I believe it is imperative that this problem be recognized and considered fully with your best judgment on this committee.

I refer to this problem of agricultural tractor safety, which plagues the many hardworking agricultural people throughout my own State and in other regions of the Nation.

To underscore the nature of this problem, let me point out briefly some of the facts of farm tractor safety problems. In 1964 alone there were 3,200 accidental deaths in farmwork, over one-third of which involved farm machinery.

In my own State of Iowa, 42 percent of the farm deaths involved farm machinery. Iowa's tragic death toll is one of the highest in the Nation in this field.

During 1964, the tipping of tractors was the largest single factor in the cause of fatalities with 33 percent of the accidents involving the tipping of tractors resulting in the death to the occupant of the tractor.

These statistics seem to indicate that some type of tractor roll bar, a device which has been tested in Sweden, would provide additional protection to the operators involved in such accidents.

There are two suggestions which I have laid out at length in my testimony and that I would like to stress briefly.

One is that I have recommended that the language of your bill be amended very slightly to include motor vehicles of all types, which would, of course, include farm tractors.

Secondly, I would like to have permission to include in the record one of the fine pieces of work done by the National Swedish Testing Institute for Agricultural Machinery, as an example of the kind of testing work on tractor safety that should be undertaken as a national obligation here.

I might add that I shall incorporate such recommendations in testimony I have prepared for my own committee, Public Works, which, as you know, is dealing with another aspect of traffic safety problems in general.

With your permission, I would like to include for the record this particular study entitled "Tractor Safety Cabs, Test Methods and Experiences Gained During Ordinary Farmwork in Sweden."

The CHAIRMAN. Without objection, it will be inserted into the record.

(The document referred to follows:)

TRACTOR SAFETY CABS, TEST METHODS AND EXPERIENCES GAINED DURING ORDINARY
FARM WORK IN SWEDEN

[National Swedish Testing Institute for Agricultural Machinery, Uppsala 7—
Sweden]

(Report prepared by Harald A:Son Moberg)

1. INTRODUCTION

In Sweden, and in fact in all countries with a highly developed agricultural mechanization the number of accidents involving a tractor overturning sideways or rearwards has increased sharply. This situation is attracting an ever increasing general attention.

Tractor overturning accidents are generally characterized by their rapid progress and very often they are fatal to the driver. The purpose of this paper is not to analyze the causes of these accidents. They have been examined minutely in both Swedish and foreign treatises.

Experience shows that the number of sideways-roll accidents in Swedish agriculture is 3 or 4 times as many as those involving a tractor overturning rearwards.

The extent of the tractor accidents and their serious nature have led to great attention being paid from different quarters to the question of providing protection for the driver. In spite of the rearward accidents being relatively few they were initially the centre of interest to the general public, probably due to the fact that, for the majority of people, rearing backward of a tractor is a much more dramatic and abstruse event than the fairly natural sideways roll resulting from the tractor being driven into a ditch, for instance.

The safety devices which have been suggested have often seemed attractive at first sight, but on closer inspection they have turned out to be out of touch with reality. Most of them are based on the idea of shutting off or disengaging the engine automatically at a pre-chosen angle of tractor rearing. In some cases this has been arranged by electrical means, for instance by fitting a tube containing a column of mercury which, at the pre-set angle of tilt, closes a circuit which in turn affects the ignition system of the engine (only carburetor type engines) or the clutch or the fuel pump of diesel engines. In other cases mechanical pendulum and compression spring devices have been tried for rapid declutching at a pre-chosen angle of tilt.

These devices must not work before the tractor has reached a tangible angle of tilt to the ground (at least 30°). Otherwise they will hinder the tractors from working on steep hillsides.

A considerable number of designs along these lines have been entered for test at the National Swedish Testing Institute for Agricultural Machinery (here called N.T.I.A.M.) during the past years. During the trials it was clearly established that the engine shut-off devices were generally ineffective in preventing a rearing tractor from overturning backwards as the motive energy of the engine often sufficed to complete the overturning even after the ignition had been shut off. In this respect, the declutching devices were more adequate but they were necessarily rather complicated and thus subject to mechanical and functional failures of their several components. And besides, this was true of the engine shut-off devices too. For both types of device, accidental releases have occurred to such an extent as to make the ordinary driver inclined to disengage the device altogether. The fact that the devices have several delicate parts is particularly dangerous as periods of perhaps several years may pass without the device being used. Then suddenly it is required to work, and with split-second timing. There is then a very real danger that it will not work satisfactorily.

On the basis of these observations and in consideration of the important fact that they offer no protection against sideways-roll accidents, these types of safety devices have not been accepted by the National Workers' Protection Board in Sweden, the authority responsible for supervising measures concerning safety etc.

The positive experience gained with cars, the bodies of which have often proved to offer adequate protection to the passengers even during serious accidents, led to the conclusion that cabs or frames of sufficient strength (hereafter termed safety cabs) could be expected to provide acceptable protection to tractor drivers.

2. THE FIRST TESTS

The first test at the N.T.I.A.M. of a cab designed to give anti-crush protection to the driver during overturning accidents (sideways or rearwards) was made in 1954-55 (see Report 1215), Fig. 1. No established test procedure existed at this time. The tests were made as "live" tests by rolling a tractor sideways and rearwards on level ground as well as on gradients, Fig. 2. It was found that necessary robustness in cab design could be achieved while still keeping dimensions within reasonable limits.

However, the procedure employed during this test was not satisfactory, for two main reasons: (i) the tractor on which the cab was fitted became severely damaged, making the test an expensive process, (ii) the test was not directly reproducible, as the stress imposed on the cab could vary within wide limits depending on how it happened to strike the ground.

3. DEVELOPING A NEW TEST METHOD

As the matter was judged to be of great importance, the N.T.I.A.M., in close co-operation with the Workers' Protection Board, tried to devise a test scheme which did not have the above drawbacks and which also otherwise could be carried out at acceptable cost.

After discussions and trials it was concluded—

That while being tested it was essential that a safety cab be fitted on exactly the type of tractor for which it was designed.

That the tractor should not be overturned but rather be anchored in its normal position.

That the strength of the safety cab should be determined by blows delivered by a swinging weight and, furthermore, by application of a static load.

That the test program must be simple and that the test must not be expensive.

For this particular case the test program must be devised so that it leads to a design that will be strong enough without getting too expensive. Nor must this design interfere with the normal operation of the tractor.

Naturally these tests are "type" tests. The manufacturer must be responsible for all the cabs of the series being made identical to the specimen tested and approved.

To ensure real safety it is a necessity that the attaching brackets of the cab and the corresponding components of the tractor body have sufficient strength to withstand the stresses imposed upon them during an overturning accident.

A cab that breaks away from the tractor provides no protection for the driver. Trouble is often experienced with the points of attachment of the safety cab to the tractor because the existing components of the tractor body which can be used for this particular purpose are generally quite thin castings.

If the tractor is adequately anchored to the floor during the test, there is very little risk of damage being inflicted upon those tractor components that are not actively involved.

If the strength of the cab is determined by pendulum impact tests the type and level of energy that would be present during an actual overturning incident can be applied to the structures in a simple and comparatively natural way.

In selecting data as to pendulum weight, impact energy and static force, etc. it is necessary to remember that it is not possible to achieve 100% safety with reasonable outlay. It will be necessary to aim at an acceptable compromise between safety and expenses, with due consideration to the fact that safety pays. The final decision must necessarily become individual.

At the N.T.I.A.M. we used the following method in establishing the data as to impact energy etc.:

A number of series of trial frames were made. Such a frame was similar to an ordinary safety frame but it was not intended to be used as such under practical farm conditions. The first frame of each series was very weak; it was made of thin tube and no reinforcements were used. The second frame was a little stronger, the third one still stronger etc. The different series were identical and all the frames were designed for use with one and the same tractor.

Laboratory sideways-roll and rearing tests were then made with the tractor falling from various heights onto a heavy-gauge steel plate lying on concrete. This type of contact surface was chosen in order to minimize variation in surface condition. After the fall the degree of deformation of the trial frame was measured and recorded. Fig. 3 shows the tractor with a trial frame fitted during different stages of an overturning test.

On the basis of these test results and by comparing them with those obtained during actual overturning accidents it was possible for the parties concerned to reach agreement as to stresses a safety cab must withstand, according to the weight of the tractor, in order to provide an acceptable degree of protection.

The next step was to relate the experience and conclusions arrived at in the overturning tests with pendulum impact tests. By means of theoretical calculations and, above all, comparative impact tests on trial frames identical with those used during the overturning tests it was possible to ascertain the line of impact and the level of energy required to match the stresses occurring during the definitive overturning tests. A pendulum weighing 1000 kg (= 1 metric ton = 2205 lb) was used during the initial tests, although the weight could be varied within narrow limits. Fig. 4 shows the general lay-out of the arrangement. Fig. 5 is taken during a test.

With a view to obtaining further material for estimation of the relationship between the stresses occurring during impact tests and those during actual overturning, a series of impact tests was also made with motor car bodies, which are known to provide reasonable protection during overturning accidents.

In continued co-operation with the Workers' Protection Board a diagram was worked out showing the impact energy a safety cab should withstand. It was agreed that the curve should not commence at 0 but that a certain safety margin should be included even on very light tractors. After a number of confirmatory tests this margin was set at 250 kilopondmetres (kpm) (approx. 1800 lb ft), and the final curve was given the values shown in Figs. 6—7. As will be seen quite different values were established for blows from the rear and for blows from the side.

It should be noted that the values given in the diagram are valid only on condition that the tractor is anchored to the floor in the prescribed manner and that the tire inflation pressure is the one used during ordinary field work (as a rule 1 kp/cm²=75 psi).

The tractor weight refers to the tractor without driver and without any type of ballast. No implements etc. are included in the weight. If the tractor is intended for use with track or half-track equipment, the weight of this equipment is to be included, however.

Thorough investigations showed that within reasonable limits it did not matter whether a comparatively light pendulum and a higher speed of impact (height of fall) or a heavier pendulum and a lower speed of impact (height of

fall) were chosen. For practical reasons a pendulum weighing 2000 kg (= 2 metric tons = 4410 lb) was chosen for the final test equipment.

The pendulum (Fig. 10) which is made up of a welded steel plate box filled with scrap iron and concrete, has a plane impact surface, 68 cm high by 66 cm wide (= approx. 27 by 26 inches). The depth is 78 cm (= approx. 31 inches). The pendulum is suspended by two chains and can easily be raised or lowered on them to suit the height of the tractor cab (Fig. 12). The pivot points of the chains are situated at a height of approximately 6 meters (= approx. 20 feet) above floor level. The pendulum is pulled back by means of an electric hoist and is released by a quick-release mechanism operated by a rope.

As there is always the possibility of the tractor rolling onto and around the cab roof or ending up resting on it during an accident, it was considered a necessity to add a compression test in which a static load is applied vertically to the top of the cab in such a manner that the crushing force is distributed among all the supporting members so as to simulate a likely real-accident situation. The static load was set to be equal to twice the weight of the tractor in order to ensure a fully adequate safety margin. Fig. 8 shows the lay-out of the test equipment. The beam is pulled down by hydraulic rams. The force applied is determined by measuring the oil pressure in the hydraulic system (the equipment must then be calibrated so that the relationship between vertical force and hydraulic pressure is known) or by placing the tractor on a weighbridge of sufficient capacity. Both methods are used at the test plants that the N.T.I.A.M. has at its disposal.

The test program stipulates that all three subtests shall be made on one and the same cab and in the following order:

1. Blow from the rear
2. Blow from the side
3. Static loading

The cab must not be straightened or repaired in any other way between the subtests.

During the tests the cab suffers a greater or lesser degree of deformation. No detailed values of maximum permitted dimensional changes are set down. As the Swedish tests are always carried out and supervised by one and the same crew of specially trained persons it has proved feasible to rely on the individual judgment of the testing personnel. The general principle used when making the decision as to whether a structure is strong enough is that the deformation must be insufficient to cause serious risk of injury to the driver. The deflection at the top of the cab is always measured and recorded after each blow. The forward deflection seldom exceeds 2 or 3 cm (= 1-1½ inches) and a sideways deflection of less than 20 or 25 cm (= 8-10 inches) is generally quite acceptable. But, naturally, no fractures must occur to the cab frame or to the means of attachment to the tractor.

A complete test includes also a study of factors other than the strength of the cab, such as, for instance, the visibility from the driver's seat and the noise. Certain cabs, particularly those made of sheet steel, have a tendency to raise the noise level at the driver's seat.

After complementary tests the above test code was established in January 1958 for use at the N.T.I.A.M. At this time an increasing number of manufacturers showed a growing interest in safety cabs and safety frames, which resulted in an intensive testing activity.

In the course of the years the N.T.I.A.M. has installed three complete testing plants, one for each of its testing stations in Ultuna, Alnarp and Röbbäcksdalen. The plants are all similar in essentials but differ as to some minor details, mainly owing to the local lay-out of the existing buildings. Figs. 9-24 show views of the different plants and of test work being carried out.

4. SWEDISH REGULATIONS CONCERNING SAFETY CABS

During 1958 the Workers' Protection Board introduced a regulation to the effect that all new tractors delivered after 30th June, 1959, should be fitted with an approved safety cab. In May, 1959, the complete regulations concerning such cabs were confirmed by the National Road Board together with the Workers' Protection Board. As to the test procedure these regulations follow entirely the above-mentioned test code employed at the N.T.I.A.M. since January, 1958.

On the basis of later experience some modifications of these regulations were introduced in February, 1962, and now they read as follows:

"REGULATIONS CONCERNING CAB OR PROTECTIVE FRAME ON TRACTOR

"According to a resolution, passed by the National Workers' Protection Board on April 1st, 1958, and the Royal Resolution of July 28th, 1958, new tractors, delivered after June 30th, 1959, shall be supplied with a cab or protective frame. For that reason the National Road Board, after consultation with the National Workers' Protection Board and in virtue of para. 1 in the Road Traffic Proclamation, announces the following regulations.

"1. A cab shall have sufficient strength and be adequately fixed to the tractor so as to provide satisfactory protection for the driver and the passenger inside the cab against injury, if the tractor overturns sideways or backwards.

"NOTE.—The strength of the cab is to be considered sufficient if the cab, without deformation which may imply danger for the driver or the passenger, goes through the following tests carried out on one of the same cab and in the order mentioned below:

"(a) Impact test applied with a pendulum in horizontal direction from behind to that part of the cab which can be expected to receive the bump when the tractor overturns. The weight of the pendulum shall be at least 1 ton. The impact power, L_a kpm, shall be $L_a = 250 + 0.04 G$, where G = the tractor's weight in kg.

"(b) Impact test applied with a pendulum in horizontal or somewhat downward-sloping direction from the side perpendicularly to the upper part of the cab. The weight of the pendulum shall be at least 1 one. The impact power, L_a kpm, shall be $L_a = 250 + 0.3 G$, where G = the tractor's weight in kg.

"(c) Static load applied vertically to the upper part of the cab with a force corresponding to twice the tractor's weight. The load is divided between supporting components by means of a suitable spacer.

"The tractor's weight' means the weight of the tractor with filled tanks and half-track equipment, if the tractor is supplied with such equipment, but without liquid in the tyres and without attachment weights and driver. During the test the tractor shall be firmly fixed to the ground.

"2. A cab shall be made so that projecting parts, e.g. iron-bars, angles or edges, are not likely to cause injury. Covering to reduce danger from bumps may be necessary e.g. for windshield wiper motor. Attention shall be paid to construction of the roof especially over the driver's head. Furthermore, the National Workers' Protection Board's regulation No. 29 (General Machine Regulations) which can be ordered from Svenska Reproduktions AB, Stockholm 6, as from No. 4368, shall be observed in relevant provisions.

"3. There shall, whenever possible, be a door on both sides of the cab. When necessary there shall be steps and handles so as to facilitate ascending and alighting.

"A cab shall also, in other respects, be constructed so as to make it easy for the driver and the passenger to get out, if the tractor has overturned or reared backwards. Escape ways shall be easy to open from inside the cab.

"Instructions prescribed by the National Workers' Protection Board (see Appendix) as regards driving with tractor on frozen water shall be observed.

NOTE.—The requirements in the second section are considered to be carried out, if the cab is open or can be opened at the rear and in addition has either a door on both sides or a door on one side and a door in the roof or removable roof. The same is the case, if a cab without a side-door is provided with door in the roof and is open or can be open at the rear and also provides at least one further possibility of getting out.

"4. A cab shall be constructed, so that it does not prevent applying on or attaching to the tractor such machines, tools, trailers etc. which normally are used together with the tractor. It shall be so spacious, that the driver has satisfactory freedom of movement when driving and when handling machines, tools, trailers etc. The driver shall have, at elbow-level, a free space of at least 45 cm at each side, measured from the centre of the steering-wheel. The space between its loaded seat (about 70 kg), fitted with standard pad, and the lowest part of the roof shall be at least 1 m. The minimum free space round the periphery of the steering-wheel shall be 6 cm along the longitudinal axis of the tractor and round the remainder be 8 cm.

"5. An upholstered seat should be arranged for at least one passenger. Handles which are easily accessible shall be provided.

"6. A cab shall be provided with sufficient windows to give adequate vision. The window-panes shall be of material that does not give sharp splinters when broken.

"7. Doors, windows (able to open) or any other movable part shall be of durable construction.

"8. A cab shall be provided with an electric windshield wiper and direction indicator.

"9. A cab shall be made so as to prevent the driver and potential passengers from becoming annoyed by draught. There shall, however, be provision for adequate ventilation and the cab must be capable of being quite well aired.

"10. A cab shall as far as possible be so constructed and mounted on the tractor that annoying noise will not arise inside the cab.

"11. Material used in a welded construction shall be suitable for welding. Welding shall be carried out only by a competent welder.

"12. The relevant provisions in points 1—11 shall also apply concerning protective frames.

"13. In a cab or frame there shall be a sign with clear and permanent text as follows:

"CAUTION

"Keep firm hold of the steering-wheel if the tractor turns over. Do not jump.

"Power-take-off shaft and universal joints shall be enclosed over its entire length.

"No room for passenger. (Alternatively: Room for ——— passenger(s) only.)"

"14. For cab or protective frame which meets with the above mentioned requirements and otherwise is suitable, the National Workers' Protection Board gives type approval. On a suitable place the cab or frame shall be furnished with stamped manufacturing number and the type marking which the Workers' Protection Board gives when approving the type. If a cab or frame is furnished with a sign, intended to replace the certificate in accordance with the National Road Board's 'Notification to the supervisors' No. 03-07-01 (letter T 126-170/60), the type marketing need not be stamped in the frame.

"These regulations shall come into force on April 1st, 1962 and shall substitute the Board's notification No. T. 2/59, dnr T 2377-170/59.

"Approval previously issued by the Workers' Protection Board is held in force until the Workers' Protection Board has otherwise announced.

"NATIONAL ROAD BOARD."

In Sweden, tractors are often driven across frozen lakes and rivers during winter logging operations. In the event of the tractors going through the ice, it is evident that the driver runs a serious risk of getting trapped if the cab has no suitable ways of escape. Therefore the Workers' Protection Board has issued special regulations concerning tractor operation on frozen areas of water. They are as follows:

"SPECIAL REGULATIONS CONCERNING OPENABLE ROOF ON CABS FITTED TO TRACTORS WHICH ARE USED FOR TRANSPORT WORK ON FROZEN LAKES OR WATERCOURSES

"During wintertime a certain amount of transport work is carried out on frozen lakes and watercourses which involves the risk of tractors going through the ice. It is therefore a vital necessity that both the driver and the potential passengers can readily leave the cab in the event of the tractor becoming submerged.

"For this purpose a cab fitted to a tractor which is operated on frozen lakes or watercourses, must be designed in such a way that the roof can readily be opened or removed, partly or entirely, from inside the cab.

"Inside the cab, well in view of the driver, there shall be a notice stating that the roof must be open while the tractor is operated on frozen areas of water.

"NATIONAL WORKERS' PROTECTION BOARD."

The Swedish regulations concerning safety cabs contain no directions as to designs to prevent tractors from continuing to roll down a long slope. The reason is that the probability of such events occurring in Sweden is very slight.

The energy level chosen for the impact tests will very probably include a safety margin. If the initial diagram giving the relationship between tractor weight and impact energy is applied to very heavy tractors it seems to lead to excessively clumsy cab designs. Lately it has been discussed whether a reduction in impact energy would be justified concerning the heaviest types of tractor, for instance those exceeding 6 or 8 tons.

5. THE DEVELOPMENT SINCE 1ST JULY, 1959

Since 1959 more than 60,000 tractors have so far (May 1964) been fitted with safety cabs or safety frames. The experience is that most farmers and foresters prefer safety frames with detachable covering to complete safety cabs. During the colder part of the year, the frames are usually fitted with window panes and canvas covering for weather protection. There are several reasons for this development. The heat generated in a cab, especially during hot summer days can be excessive, the noise is often quite unpleasant and the range of vision is more confined. Furthermore a cab is usually more expensive than a frame.

At first quite a number of firms took up the manufacture of cabs and frames. Since then the number of manufacturers has decreased but the productive capacity remains high.

Frames designed for use in the forest are often made extra strong and rigid. This additional feature is actually no advantage from the point of view of safety, especially because the requirements as to the strength of the tractor body and the means of attachment become very severe. The advantage is that the frame can be used for supporting a specialized piece of mounted equipment, for instance a loader.

Figs. 25—33 show some recent models of Swedish-made safety cabs and safety frames.

The positive experience has resulted in a new regulation to the effect that all tractors, including old ones, which are operated by employed personnel, must be fitted with a safety cab or a safety frame as from 1st October, 1965.

Since January, 1958, approximately 500 safety cab tests have been made at the N.T.I.A.M. in accordance with the test program related above.

6. EXPERIENCE IN PRACTICE

Ever since safety cabs came into use in Sweden, the Workers' Protection Board and the N.T.I.A.M. have collected information on accidents involving tractors fitted with an approved type of cab, with a view to gaining knowledge on the effectiveness of test regulations in force.

It has not been possible to get detailed information on all accidents occurring, but some 40 cases have been more or less thoroughly examined. In some of these cases the cab had been exposed to very severe stresses; in other cases the stresses imposed were less serious. Not a single cab or frame had become distorted or damaged to such an extent that it was unable to provide the required degree of protection for the driver, although, in several instances, the tractor itself suffered considerable damage. In all the accidents studied the drivers escaped being injured, with the exception of one driver, who was killed beneath the tractor when trying to jump clear.

Figs. 34—43 show examples of accidents involving tractors fitted with an approved type of cab.

The observations to date indicate all that the present test method and the standards of acceptance required produce designs strong enough to provide a high degree of safety. But this fact does not exclude the possibility of further experience justifying modifications in the future. For instance, the addition of a compression test has been considered during which the force should be applied to the rear section of the roof. The reason of this is that certain types of cab in other countries, but not in Sweden, are provided with a roof the rearmost section of which is either free-bearing or only partly supported. It cannot be taken for granted that such a roof will withstand collapse when hitting the ground during a rearing accident.

Finally, as a general observation, it should be mentioned that the demands upon a cab concern not only its strength but also many other factors such as roominess, provisions for easy entering and alighting, visibility, noise and ventilation. Most likely the cabs will not be genuinely adequate until they are de-

signed and manufactured at the same time as the tractors and from the very beginning form an integral part of them.

The CHAIRMAN. Are there any questions from any members of the committee?

If not, we wish to thank you for coming before the committee today. We know you are very much interested in this subject. As you say, you are conducting another series of hearings which are alined with these.

Thank you.

Mr. SCHMIDHAUSER. Thank you, Mr. Chairman.

The CHAIRMAN. Yesterday, when this committee adjourned, Mr. Ralph Nader was answering questions.

Mr. Nader, would you resume the stand, please?

Mr. Nader, we certainly couldn't control the interruptions. We are going to start all over again this morning with each member of the committee being given briefly a chance to ask questions. There are some present who were not present yesterday.

I am going to start with Mr. Rogers of Texas. I will say that each member will be allowed 5 minutes. I will be compelled to watch the clock on the first go-round and on each go-round to limit the questioning to 5 minutes.

I hope the committee will keep their questioning down. I hope when we get the information we seek, it will be sufficient for the record to help this committee in its deliberations when we go to mark up the bill.

Mr. Rogers?

STATEMENT OF RALPH NADER—Resumed

Mr. ROGERS of Texas. Mr. Nader, where are you from originally?

Mr. NADER. Winsted, Conn.

Mr. ROGERS of Texas. What age are you now?

Mr. NADER. Thirty-two.

Mr. ROGERS of Texas. And where did you go to school?

Mr. NADER. Princeton University and Harvard Law School.

Mr. ROGERS of Texas. Did you have any engineering during your studies?

Mr. NADER. No, sir.

Mr. ROGERS of Texas. Did you go to a precollege or preuniversity school from high school?

Mr. NADER. Yes, I did.

Mr. ROGERS of Texas. Where was that?

Mr. NADER. In Winsted.

Mr. ROGERS of Texas. You had no engineering background at all?

Mr. NADER. No.

Mr. ROGERS of Texas. Where did you first get interested in automobiles?

Mr. NADER. At Harvard Law School.

Mr. ROGERS of Texas. Was that in connection with personal injury courses?

Mr. NADER. Yes. Medical-legal as well.

Mr. ROGERS of Texas. And you studied or you started out on your investigation from that point?

Mr. NADER. Yes, sir.

Mr. ROGERS of Texas. How long has that been going on?

Mr. NADER. Since almost a decade. Not continuously but with growing intensity in the last few years.

Mr. ROGERS of Texas. Did you start this in 1955?

Mr. NADER. Beginning in 1956.

Mr. ROGERS of Texas. Were you familiar at that time with the Traffic Safety Subcommittee hearings that were held by a subcommittee of this committee?

Mr. NADER. Very much so.

Mr. ROGERS of Texas. Were you in Detroit at any time during those hearings, or in that general area where we were going into this matter?

Mr. NADER. At that time?

Mr. ROGERS of Texas. Yes.

Mr. NADER. No, I was not.

Mr. ROGERS of Texas. Have you studied those hearings?

Mr. NADER. Very carefully.

Mr. ROGERS of Texas. You have devoted most of your time, then, to these studies?

Mr. NADER. To the congressional hearings, do you mean?

Mr. ROGERS of Texas. No, to the studies of the problems which you are undertaking now to address yourself.

Mr. NADER. Yes, I have.

Mr. ROGERS of Texas. What else have you done?

Mr. NADER. Do you mean during the decade?

Mr. ROGERS of Texas. Have you been practicing law?

Mr. NADER. Yes, I have practiced law, and I have done a good deal of writing in various areas of the law, in addition to automobile accident injury law.

Mr. ROGERS of Texas. Where is your law office now?

Mr. NADER. It is in Connecticut.

Mr. ROGERS of Texas. Have you discussed these matters with the people involved in the manufacture of automobiles?

Mr. NADER. Over the years? Yes.

Mr. ROGERS of Texas. I mean recently.

Mr. NADER. Yes, I have.

Mr. ROGERS of Texas. What has been their reaction to your discussions?

Mr. NADER. It has been primarily an exchange of views. I spent some time at the General Motors Technical Center in January, with some General Motors executives. It was primarily an exchange of views.

At the time I didn't realize that they were also investigating me. They toured me around the Tech Center and we had a rather candid exchange of views.

Mr. ROGERS of Texas. Well, you were investigating them, were you not? Wouldn't they have the same right as you did?

Mr. NADER. Except that I did it in the open, and was not interested in the personal life of Mr. James Roche, but in the company's performance.

Mr. ROGERS of Texas. Who is Mr. James Roche?

Mr. NADER. The president of General Motors.

Mr. ROGERS of Texas. You didn't go into his personal life?

Mr. NADER. No.

Mr. ROGERS of Texas. You say he went into yours?

Mr. NADER. Well, it was his company that went into mine, yes.

Mr. ROGERS of Texas. You have concluded, then, from your investigations, that the door locks on the Rolls-Royce—well, first, how did you get to Engand?

Mr. NADER. That reference to Rolls-Royce was the one I made yesterday, Mr. Rogers. My source for that was a very longtime collision researcher at the University of California in Los Angeles, Derwyn Severy, who has done a considerable number of crash studies with Federal funding.

Mr. ROGERS of Texas. I noticed the paper said that you said a 20-mile-an-hour impact would cause the doors to spring open.

Mr. NADER. Yes. That is his statement.

Mr. ROGERS of Texas. A 20-mile-an-hour impact is a pretty sizable impact; is it not?

Mr. NADER. It could be a fatal impact, yes.

Mr. ROGERS of Texas. And usually is, is it not? As a matter of fact, many cars slow down to the point where they are not going over 20 miles an hour when the final collision occurs.

Mr. NADER. It depends on the type of impact.

Mr. ROGERS of Texas. But I mean a 20-mile-an-hour impact is a pretty serious impact.

Mr. NADER. Yes, except that there are impacts regularly occurring that are far higher than that, and one would expect a car of a price range from \$19,000 to \$32,000 and that reputation to be able to have door latches that wouldn't pop open at speeds higher than that.

Mr. ROGERS of Texas. Do you feel that you have answers to all of the problems, that if they listen to you they can build a car that will be safe?

Mr. NADER. Of course not. My entire effort is to insure that there is sufficient public support and an adequate climate so that we get the answers to all of these problems.

Mr. ROGERS of Texas. I see my time is up.

The CHAIRMAN. Mr. Springer?

Mr. SPRINGER. Mr. Nader, you are a lawyer?

Mr. NADER. Yes, sir.

Mr. SPRINGER. Do you do any personal injury business?

Mr. NADER. Not now, sir.

Mr. SPRINGER. Do you represent any casualty companies?

Mr. NADER. No.

Mr. SPRINGER. Have you had any experience in the collision of automobiles one against another, or the collision of an automobile with a solid object?

Mr. NADER. Do you mean personal experience?

Mr. SPRINGER. No, I mean have you had any experience or background in your legal profession where you have seen some of this?

Mr. NADER. Yes. I have observed both in experimental situations and on test grounds, and also have had many occasions to observe it on highways.

Mr. SPRINGER. With human beings?

Mr. NADER. Yes.

Mr. SPRINGER. How many cases would you say, 10, 20, 30?

Mr. NADER. In terms of how many accidents I have observed?

Mr. SPRINGER. Yes.

Mr. NADER. Many dozens.

Mr. SPRINGER. In those, how many were involved at high speeds? By high speeds, I am talking about killing somebody from 40 miles an hour or upward.

Mr. NADER. I haven't tabulated them in terms of what speeds the various categories occurred.

Mr. SPRINGER. Do you have any idea that speed has much to do with this?

Mr. NADER. That can be answered in two ways. What available data there are indicate that over three-quarters of all motorists' deaths and serious injuries occur at impact speeds under 50 miles an hour.

The Bureau of Public Roads conducted an analysis of accidents which they published in 1964 which indicated that it wasn't speed, per se. It was the differential speed in the traffic flow that led to a higher accident rate.

For example, you have a traffic flow of 55 miles per hour. It is the person who goes 35 and then up to 45 and back to 30, that leads to high risk situations.

Mr. SPRINGER. Wasn't it in Connecticut that Senator Ribicoff got the speed set and he enforced it?

Mr. NADER. He enforced the speed limit.

Mr. SPRINGER. And didn't he get a reduction in both the injury and the death rate in Connecticut?

Mr. NADER. No, he did not, Congressman.

Mr. SPRINGER. Are you positive about that?

Mr. NADER. Taking the years 1956 to 1960, averaging out the deaths and comparing them to the years 1950 through 1954, you will see that they are quite comparable. The accident and injury rate actually went up in those latter years.

Mr. SPRINGER. That could be due to the fact of the number of automobiles in circulation; isn't that true? But the average rate went down?

Mr. NADER. No, the injury and accident rate went up. I think Mr. Moynihan has specific figures on that in his statement, which would indicate just what I have said.

Mr. SPRINGER. I know this specifically. If you have those figures, we will accept them. If you will take Pennsylvania in the 1930's, it went down astronomically, when they set the 50-mile rate. The Governor got himself reelected. The rates plummeted. He got the backing of the public in Pennsylvania.

The reason I raise this is because just the day before yesterday one of my best friends was killed. He was not going very fast, probably 50 miles an hour, but the car went off the road and the other fellow pulled back and hit him head on. I did a large personal injury business with casualty companies by the hundreds. I can hardly remember a single death that didn't result as a result of high speed. It didn't make any difference as to the condition of the car. You could have had padding all over the place.

A doctor testifies, you go into a certain condition of shock which kills you instantly. I am not trying to find a difference with your point, but I am trying to be sure that we have our facts straight, that what you are proposing will do the job.

I read your article in "The Progressive" the night before last. It is rather a philosophical approach with not many facts in it. But I still don't get your point as to exactly what all of this will do.

You are talking about door locks on certain cars, but speed and brakes seem to me, at least from my knowledge of this problem, to have more to do with this than any two things you can have. If you want to take these, and I will be willing to go into all of the facts and figures with you, State by State, you will find that these deaths on the highway occur at terrific speeds. I doubt if there is a car that wouldn't have an accident that would result in death in most of these instances.

Mr. NADER. Except that the figures show that the large proportion of deaths and serious injuries occur at legal speed limits, Mr. Springer.

Mr. SPRINGER. Legal speed limits, my dear fellow, on the Interstate System is 65 miles per hour. That is pretty fast. In the State of Illinois, there is none, you go as fast as you want to.

Mr. NADER. These are legal speed limits that are under 50 miles per hour. I am not saying they go to the upper limit of the legal speed limit. But the sizable majority of all deaths and serious injuries occur under the 50-mile-an-hour level.

Mr. SPRINGER. What I want to try to get at is what this question of speed and braking has to do with it.

Mr. NADER. It is very important. There is no question about it. As vehicle speeds go up, you have to have better braking, you have to have better handling characteristics so that the driver can take proper evasive maneuvers in an emergency. There is no question about that.

Mr. SPRINGER. Thank you.

The CHAIRMAN. Mr. Friedel?

Mr. FRIEDEL. No questions.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. No questions.

The CHAIRMAN. Mr. Macdonald?

Mr. MACDONALD. I don't really have any questions, Mr. Chairman.

I would like to compliment you, Mr. Nader, on what appears to be a good deal of time and effort put in for the public welfare.

In reference to a question asked of you by Congressman Rogers, I don't feel it is necessary to be an engineer to be able to observe the fact that an infant child has had its head pierced by a blunt instrument. I don't think it would be necessary for you to have a degree in automotive engineering to be able to follow slides such as we saw here in the committee, given by Dr. Gikas.

Are you familiar with Dr. Gikas' work?

Mr. NADER. Yes, I am.

Mr. MACDONALD. Have you ever worked with him?

Mr. NADER. I have consulted with him; yes.

Mr. MACDONALD. Have you ever consulted with other people in the medical profession on safety measures?

Mr. NADER. Yes.

Mr. MACDONALD. Would you care to elaborate a little bit on that?

Mr. NADER. Yes. The judgments which I have made in my writings and testimony concerning the facts of the accident injury situation have proceeded from a reading, a close reading and analysis of the various engineering, medical, and statistical studies that have been made.

In effect, what I have done is to bring these together, to try to determine, as my function of a lawyer would imply, what these facts mean for sound public policymaking and specifically for legislative policymaking. This is what every legislator is presumed to do.

The upshot of it is that there are certain questions that have to be asked which have not been asked and which have not been answered. It does not take an engineering skill to know that anybody who produces a product has a certain obligation to disclose facts about that product.

If he doesn't disclose facts about that product, he is not fulfilling his own burden of proof that that product is adequate for the use for which it is intended.

Another issue which came out of an analysis of these studies is the degree to which the automobile companies are investing in research and development in order to implement a greater innovative product, instead of producing the same one, basically, year after year.

The answer to that also was not forthcoming directly from the manufacturers, but it became quite clear from an analysis of all other evidence that they were not doing very much at all.

Another inquiry relates to the issue of secrecy. Why the secrecy throughout the industry concerning the safety of the product, concerning the vehicle defects that were discovered by the manufacturer after the automobile was sold, concerning even so basic a process as communicating with other scientists and engineers outside of the industry in the time-honored way that scientists have communicated with one another to further progress?

These are the kinds of policy issues and questions which come out of an analysis of the available studies and the policy positions taken by the industry over the years.

It is within the fullest function of anybody in the legal profession to pursue such issues to determine what can be done to increase the law's contribution to the public safety. That is the key point.

Mr. MACDONALD. I don't have much time, but I did have a close relationship with the Harvard Law School for some 3 years, and I never heard of a course called legal medicine. Is that something new?

Mr. NADER. Yes. It is about 10 years old.

Mr. MACDONALD. Thank you.

The CHAIRMAN. Mr. Devine?

Mr. DEVINE. No questions.

The CHAIRMAN. Mr. Kornegay?

Mr. KORNEGAY. Thank you very much, Mr. Chairman.

Mr. Nader, I regret exceedingly that I was not here yesterday to hear your testimony. I happened to be out of the city. I have tried to hastily scan over your statement this morning. I note your criticism of the insurance industry and your suggestion or in effect saying that if the insurance industry had refused to insure defective automobiles, it would have been of assistance to this problem of highway safety. Is that in substance what your contribution was?

Mr. NADER. That was part of it, yes.

Mr. KORNEGAY. In my State of North Carolina, we have a compulsory insurance law. Before you can get your automobile license, you must prove to the State that you have a minimum liability policy, 5-10-5, I believe, or it may have been increased. It is compulsory. You must carry liability insurance before you can get your license.

What happens in the case of a State that way under your plan? In other words, the insurance company doesn't have the option as under the assigned risk plan, where you have drivers with bad records. Those cases are apportioned among the scattered companies doing business in the States and they, of necessity, have to insure those automobiles and drivers if they are going to continue to do business in the State of North Carolina.

What is your suggestion as a means of remedying that situation?

Mr. NADER. This is in a State where there is compulsory insurance?

Mr. KORNEGAY. Yes.

Mr. NADER. First of all, let me say that because of the regulatory scheme of the States over the insurance companies, the insurance companies can take the first step, but, as you implied, they have to have approval by the State insurance commission, in terms of their rating policy.

I wasn't directly pointing to the desirability of refusing totally to insure a particular vehicle, but to rate it according to its characteristics and surcharge if it is shown to be more hazardous than the norm.

This would be perfectly possible in a State with compulsory insurance. It would require, of course, as any rate change policy requires, the approval of the State insurance commissioner.

Mr. KORNEGAY. So you bring the State into the picture there.

Mr. NADER. Yes, most definitely.

Mr. KORNEGAY. They would come in in determining what the charge would be.

Mr. NADER. Yes.

Mr. KORNEGAY. It would be a matter of State involvement as well as insurance company involvement.

Mr. NADER. Yes, with the initiative coming from the insurance industry as it most often does in any rate change proposal. My point was that they have never taken that initiative.

Mr. KORNEGAY. In other words, you feel that they ought to take that initiative?

Mr. NADER. Yes. I think that is what contributes to the health of the private sector in this area of traffic safety. If they all pursue their clear economic interests in terms of reducing the lost claims, they would tend to provide a counteracting force to the excesses of the auto industry. The point is that they have found other economic interests and restraints which overbalance this desire.

Mr. KORNEGAY. I assume most of them would like to go up on their rates anyway. There is usually an effort to raise the rates on the contention that the losses have been so substantial.

Mr. NADER. Yes.

Mr. KORNEGAY. In fact, Senator Ribicoff testified this week before this committee and if I recall his testimony correctly he said that the

casualty insurance companies were experiencing a loss on their underwriting operations, that the only way they were able to stay in business was from the profits they were making on their investments.

Is that an accurate statement?

Mr. NADER. It depends on what group of companies he was referring to. Some companies are losing on their underwriting experience, their underwriting losses, and other companies are not.

There are very complex accounting definitions here that can make it go one way or the other.

Mr. KORNEGAY. He was speaking from his experience with those in the State of Connecticut, which is known as the Insurance State, so I assume they have more than their fair share of companies situated there.

Mr. NADER. Those companies seem to be the healthiest of all.

Mr. KORNEGAY. In Connecticut?

Mr. NADER. Yes.

Mr. KORNEGAY. Have you ever conferred with Senator Ribicoff on this highway safety business?

Mr. NADER. Have I conferred with him?

Mr. KORNEGAY. Yes.

Mr. NADER. Yes, I have appeared before his subcommittee.

Mr. KORNEGAY. Thank you.

The CHAIRMAN. Mr. Nelsen.

Mr. NELSEN. Thank you, Mr. Chairman.

I noted by a reading of the paper that they characterized your testimony as continuing your vendetta against the automobile manufacturers. I might say that I am disappointed that in your statement you make no reference, really, to highway markers and things of that kind, which, obviously, are a very, very important part of the accident occurrences.

I hope that the terminology of vendetta is somebody's interpretation of your attitude and not your objective.

You made some mention of anti-locking brakes on a wet road. An antilocking brake in this case would be a very gentle brake that would not even hold the wheels still on a gravel road. How would you engineer a brake that would not lock on a slippery pavement yet would be adequate on a dry pavement?

Mr. NADER. There is already in existence, sir, an antilocking braking system in England. It is the Ferguson antilocking braking system. It is already incorporated in one higher priced British car. It has been shown to work under all these conditions.

Mr. NELSEN. Usually we find that the pressure to the brake by the driver, if he understands a machine, causes the driver to apply the brake more gently in keeping with the condition of the road on which he is driving.

Another point that comes into testimony all the time is horsepower. I drive a car with 105 horsepower, which is very low horsepower, but that car would exceed any speed limit if I would press the accelerator down.

I do find sometimes that lack of horsepower is as risky as too much. I am sure you would agree. I noted that you made reference to the appetite for glamorizing speed. For example, you used the term of

naming the cars Mustang, Toronado, all of this. I was wondering if you thought the driver would slow up if we named the automobile "Bo-Peep" or something like that. It seems to me this is going a little too far, is it not?

Mr. NADER. No, this is quite important, actually. The concept of an automobile which people have comes from the way it is considered in the advertising literature and promotion to not an insubstantial extent. This type of appeal tends to tailor the appreciation and appetite of the motorist toward the nonfunctional, trivial, stylistic or aggressive features of an automobile instead of trying by a sensible promotion program to get him to appreciate the functional aspects of the automobile and to demand improvements in that area, as well. It is the old story, well known to economic students of an oligopolistic industry producing a consumer product.

In the fashion industry, actually, you try to orient the consumer toward the highly visible stylistic features instead of toward the more functional areas such as the quality of the fabric.

Mr. NELSEN. I noticed your reference in here to the Volkswagen, implying that the accident situation might be extensive, quoting some other authority. Wouldn't you admit that some of these very small cars are more dangerous to ride in than the larger ones?

Mr. NADER. Certainly in a collision situation I think it has been shown without a doubt.

Mr. NELSEN. Are you suggesting that we do something about making it illegal to have a small car that, without any question, no matter how you pad it, would be more dangerous? Are you suggesting that we take them off the road?

Mr. NADER. I think eventually, sir, we will have to have what is called an overall crash velocity standard. If a small car can meet it, it can stay on the road. If it cannot meet it, perhaps it will be taken off the road.

The matter of the motorist's choice of automobile can no longer be simply a personal one. It has to be a social decision, primarily because he is not only endangering himself but he is endangering other people on the highway.

In a sense, it is like a person who has a disease that is contagious. If people want to smoke, they are endangering themselves. When you are in an automobile, you are endangering others, so there is a social decision to be made.

Such a social decision is being made now by Government in the area of automobile pollution.

May I say one word concerning the use of the word "vendetta"? I do not have a vendetta against the auto industry. My endeavors can be characterized in one sentence. I think the automobile industry's promise is much greater than its performance. I disagree with anyone, both in the industry and outside, who asserts that the largest industry in this country is incapable of protecting people in collisions up to 50 miles per hour.

I think that is an insult to the engineering profession and to anyone who knows the capabilities of science and engineering today as well as a few years ago.

Mr. NELSON. Thank you.

Mr. VAN DEERLIN. I acquired a new constituent a short time ago, a Mr. Racine. He came to San Diego from New York State, where he had been with a corporation called Protectomatic Corp. This was built around a proposed safety device which would automatically, upon impact in a front-end collision, spring a release which brought the forward seat up, and tilted back at the same time.

It was not as a successful corporation executive that Mr. Racine came to San Diego. As many have found out, while you can be just as hungry out there, you are a little warmer in the winter. He was broke. He says that the reason he was broke is that although he staged successful demonstrations of this device before many safety conferences and before leading manufacturers, he just couldn't get anyone to lay money on the line and incorporate it in new car design. He has provided me with a sheaf of letters of approval from the National Safety Council, the Cornell Aeronautical Laboratory of Cornell University, the corresponding Auto Safety Investigative Department at UCLA. He has some most impressive pictures, slow motion movies, showing a demonstration at Soldiers Field in Chicago in 1958.

Yet he also has a lot of letters on the letterheads of the leading auto manufacturers saying that while they are interested, it is not feasible for them to go into this. One that caught my eye was on the letterhead of Chevrolet Motor Division of General Motors. The letter is signed by a staff engineer, Mr. C. H. Jepson, which says among other things, that:

We do feel that at the present time we cannot spend time in engineering the unit into our cars since the parts and accessories group does not feel that they can do a big job of merchandising, as was explained to you on your visit to the GM Building.

Do you know about Mr. Racine's invention, which is apparently something that he conceived 13 years ago? Are you aware of these demonstrations?

Mr. NADER. Yes, I am.

Mr. VAN DEERLIN. Would you evaluate them for the committee?

Mr. NADER. I would like to say that this is an example of the type of travail which an inventor has to go through in order to try to get his system or device evaluated.

Mr. Racine is, in some ways, a little different from most inventors, because he is willing to get into a car, as I understand it, and crash it into another car at 50 miles per hour with this seat, without a seat belt. The principle, of course, is that the seat moves during a collision impact and stops the individual from plummeting forward into the steering assembly or the windshield.

What strikes me as unfortunate about his experience and those of many other inventors is that there is nowhere they can go and have their invention evaluated. This is a highly unfortunate situation.

The interactions with industry are not very productive for a lot of reasons, not the least of which are commercial. But the interesting thing about his experience, and others, is that they have shown it at various independent research institutes, and at a national Safety Council Congress, and other places, and have gotten a generally enthusiastic response, though there are bugs to be ironed out, obviously. But it has never gone any further.

If we establish in this country a system whereby these inventions can be processed, we will have opened up a tremendous source of ideas and ingenuity to improve the safety on the highways. Let us just take an assumption here that Mr. Racine's device worked. Incidentally, it is primarily useful for front-end collisions only, not for lateral collisions.

Let us say it worked and was in production 10 years ago. This could have saved thousands of lives. We don't know whether it could have or whether it would not have. The unfortunate thing is that we never tried to find out. This is occurring all over the country in minor, major, types of inventions, and the frustration of inventors today is such that one has stated that a patent is nothing more than the right to a lawsuit, that it is more trouble than it is worth.

One of the problems is that it is no longer, if it ever was, sufficient just to invent a better mousetrap. The economy is far too complex. The problems of merchandising, promoting and otherwise, are far too intricate. So we need much more than the usual myth that all you have to do is invent a better device. It just doesn't work that way. We have to have a process that takes it a lot further along.

Mr. VAN DEERLIN. Mr. Chairman, I don't want to intrude on the committee's time, but I would like the members of the committee to know that Mr. Racine is in the city, and has this film, and will be glad to show it in any members' office. It runs about 5 or 10 minutes.

The CHAIRMAN. Thank you.

Mr. Curtin?

Mr. CURTIN. Thank you, Mr. Chairman.

Mr. Nader, I heard that you do not drive a car. Is that correct?

Mr. NADER. No, it is incorrect. I do not own a car.

Mr. CURTIN. You do not own a car. Have you ever owned an automobile?

Mr. NADER. Yes, I have.

Mr. CURTIN. When was the last time that you owned an automobile?

Mr. NADER. In the mid-1950's.

Mr. CURTIN. You, I understand, are a practicing attorney. Do you specialize in any particular field of the law?

Mr. NADER. I suspended my law practice a little over 2 years ago, sir.

Mr. CURTIN. Up to the time you suspended, did you specialize?

Mr. NADER. No, I had a general practice.

Mr. CURTIN. Where did you practice?

Mr. NADER. In Connecticut.

Mr. CURTIN. Mr. Nader, you have emerged as sort of a crusader in this field of safety in vehicles. I am not critical of that crusade, of course, but I am curious as to what triggered it. Why did you get into this particular field and apparently started devoting most of your time to it?

Mr. NADER. Because I was concerned over the lack of application of engineering remedies to our highway safety problem. Anybody who has seen the dimensions of the problem can only be shocked by it. It is by far the greatest manmade hazard this country has ever seen. I am sure you are aware of the figures comparing it to the deaths in battle. They are far greater on the highway than they are on the battlefield.

Mr. CURTIN. If I may interrupt you, that is all true, but why did you all of a sudden give up the practice of law and devote all of your time to this particular thing? There must have been something that triggered that particular interest in it.

Mr. NADER. What triggered it was an awareness that the law was not fulfilling its potential in protecting the public safety, first; that, second, we had been going through, in recent decades, tremendous advances in science and technology which could be applied to this problem; third, that the idea of letting George do it didn't work because George was never around; and, fourth, my own sense of personal values which leads me to feel that there is no greater endeavor that one can engage in in this country of ours than to try to save human life and limb. It is as simple as that.

Mr. CURTIN. Mr. Nader, yesterday you were talking about drunken driving and I am afraid I didn't get all of your sentence. What I got was you did not think that those persons who were guilty of this offense should be subjected to something, and I don't know what it was they should not be subjected to.

Would you tell us what you said on that particular point?

Mr. NADER. Yes. I am sure you have heard, as we all have, people say this gentleman was killed in an auto accident and somebody would say "but he was drunk." The response is often, you know, "it serves him right."

My point is we should have rigorous laws and they should be enforced to curb drunken driving, which is highly irresponsible and criminal in some of its aspects.

However, it was my point that a person who is drunk and who drives, and who exposes others, innocent people, to his deviations on the highway, should not have to pay the ultimate penalty of dying because the car will not protect him. That is what I am saying.

In this country, we are moving toward the abolition of capital punishment on the principle that if A kills B, society should not turn around in retribution and kill A. I think there is a good deal of humanity to be put into our automobile and its design so that people, even if they do become intoxicated and drive on the highway, they don't pay the ultimate penalty for it. I want them to pay a legal penalty. Perhaps they should be curbed in terms of their driving maneuvers and privileges, but not be sent to the cemetery.

Mr. CURTIN. Would you agree that an observance of the existing laws on operating a motor vehicle, drunken driving and things like that, that a strict observance of those laws would cut down on accidents on the highways today?

Mr. NADER. That is very difficult to say. In Connecticut last year the State Police Commissioner, Leo Mulcahy, stated arrests were up 70 percent, yet fatalities increased by 20 percent in Connecticut. There are no studies that I know of that would indicate that the fallout would be that beneficial. But I would like to say this, that many times our scholars in the traffic safety area look at things in too great an aggregate sense. They will say, "No matter what you do here, there, or there, at the end we are still going to have this number of accidents and injuries." But I also prefer to look at it in the specific sense.

We might still have the same number, but X man who was drunk, would not have killed Y, who was coming down the road.

Mr. CURTIN. But I think you can certainly see that a person who is sober is a safer driver on the highway than one who is not.

Mr. NADER. Yes, there is no question about it. But I would not accept the general figure that fatal accidents involve 50 percent drunken driving. I think the best study yet done in this area in terms of the size of the sample and its control group procedures was the study by Robert Borkenstein, at the University of Indiana, under Federal funding, which came up with the conclusion that the accident rate involvement differential was about 7 percent. That is, if you took out your drunken drivers above a certain level of blood alcohol, you would reduce your accident rate involvement by 7 percent.

In terms of fatality reduction, the extrapolation from the figures would indicate about 13 or 14. That is pretty substantial even there, a 13 or 14 percent reduction in fatalities. But to go on and give figures like 50 percent while not defining the terms is not going to get us anywhere. Sometimes if a person is stopped at a red light and he is drunk and somebody rams into him from the rear, that is considered an accident involving drunken driving.

Mr. CURTIN. I am not talking altogether about drunken drivers. I mean any type of law violation which would seem, in my opinion, to lead to hazards on the highway. For example, if you have a 50-mile speed zone and somebody is going down it 75 or 80 miles an hour, I would consider him a more hazardous driver than one obeying the 50-mile limit, wouldn't you?

Mr. NADER. Not necessarily. It depends on the highway. If you put a 50-mile limit on the New York Thruway I don't think it would be hazardous to go 75 though it might be illegal. It would be less hazardous than going 15 miles per hour.

Mr. CURTIN. Wouldn't you concede that most of the speed limits put on the different highways are geared to the safety of that highway? For example, on turnpikes in Pennsylvania, we have 65 and on the secondary roads we have 50. They change the speed limits to the types of roads.

Do you still think that any type of speed is not a possible cause of accidents?

Mr. NADER. I would agree with you, you certainly have a point there. It is not that simple a deduction to equate speed with accident rate involvement.

Mr. CURTIN. Thank you.

The CHAIRMAN. Mr. Pickle?

Mr. PICKLE. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Cunningham?

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

According to the press, I have been saying some things about the witness that would indicate that I am opposed to everything he says. I want to state that my main criticism of the witness is that he is not an authority or a professional in this field. I like to hear testimony from people who know what they are talking about.

Mr. NADER. Is that a question?

Mr. CUNNINGHAM. No.

In answer to Mr. Curtin, you said you had suspended your law practice. What do you live on? Where does your income come from?

Mr. NADER. A quaint institution called savings plus some return from my writings.

Mr. CUNNINGHAM. You have written a book that is quite sensational, and particularly its title. How many printings have you had on that?

Mr. NADER. I think it is in its fifth printing.

Mr. CUNNINGHAM. Have you written any other books for profit?

Mr. NADER. Yes, I have written many articles over the several years in magazines and newspapers.

Mr. CUNNINGHAM. I know you have written three recently, one for the Progressive, one for the Nation, one for the New Republic, all left-wing liberal magazines.

Mr. NADER. I didn't write anything for the New Republic, and the Progressive simply reprinted some material without my knowledge.

Mr. CUNNINGHAM. And you wrote something for Consumer Reports. Was that for profit?

Mr. NADER. Which article are you referring to?

Mr. CUNNINGHAM. You wrote an article for Consumer Reports, didn't you?

Mr. NADER. I have written more than one, yes.

Mr. CUNNINGHAM. Were you paid for those?

Mr. NADER. Yes, I was.

Mr. CUNNINGHAM. Why is it in all of your wild charges you do not mention anything about law enforcement?

Mr. NADER. Are you referring to my writings or my testimony? I have mentioned it.

Mr. CUNNINGHAM. In your writings.

Mr. NADER. I have mentioned the subject of enforcement. I am particularly concerned with enforcement dealing with the automobile manufacturers. But before we have enforcement, we have to have laws. That has been my principal province of interest.

Mr. CUNNINGHAM. We have plenty of laws, but somehow or other you fail to dwell on the enforcement of those laws. Is this a clever way of representing the trial lawyers or ambulance chasers who, by picking on this great big industry, are going to be able to get their clients off easy? If this publicity of yours is to put the onus on big industry and say the design of the car is responsible for accidents, it is more likely that you would get a drunken driver off, is that true?

Mr. NADER. I am not concerned with ambulance chasers. I am concerned with the people in the ambulances. I have no concern with representing any group of lawyers for whatever purpose.

Mr. CUNNINGHAM. That may be what you are going to testify here, but I have another view of it.

Getting back to your investigation, so called, in one of your articles in one of these magazines, you were quoted as saying you were in a supermarket, I believe it was Safeway, and there were 33 single men in that store who didn't recognize you. How did you know they were single men?

Mr. NADER. I am not familiar with the quotation at all. Can you read it and tell me where it came from?

Mr. CUNNINGHAM. I have so much material here I do not have time to look up the source because we are working under the 5-minute rule.

Mr. NADER. If it is a quotation, it is a false quotation.

Mr. CUNNINGHAM. It is in one of these magazine articles. The Nation or the New Republic, or some other one.

Mr. NADER. It never appeared in one of those magazines. I would believe a citation like that is so inflammatory and so inaccurate that you would have the citation immediately before you.

Mr. CUNNINGHAM. Well, I have the material here, but I have a whole suitcase full of material on you and I don't have it at my fingertips. I thought if it was in one of these magazines and was attributed to you, then surely you would have knowledge of it.

Mr. NADER. It is a false quotation as you read it.

The CHAIRMAN. The gentleman's time has expired.

Before we start more questioning I would like to say again that this committee is sitting as a judiciary body to hear the public witnesses here. We are not acting as prosecutors or defendants. We are sitting here as a judge and jury to make up our minds when all the evidence is in.

I think we can determine our belief in these things. I don't want to impugn the integrity or the motives of any member of the public who comes before us. I think we have enough judicial sense to judge for ourselves.

Mr. CUNNINGHAM. Mr. Chairman, may I respond for a moment?

The CHAIRMAN. You surely may.

Mr. CUNNINGHAM. In the morning paper you are quoted as saying—

In the committee room, Mr. Staggers, the usually mild-mannered chairman, also issued a warning clearly directed at Cunningham.

The CHAIRMAN. I am sorry that was in the paper. I have not seen the paper. It was not aimed at you. There are other members. I am trying to keep the proper decorum in this body. After all, we represent America, great segments of it, and I hope I can still keep my mild manners. I didn't read the article.

Mr. CUNNINGHAM. I am glad to know that the reporter for the Post in his usual way would smear us.

The CHAIRMAN. I am sorry, Mr. Cunningham, you put it that way.

Mr. Murphy?

Mr. MURPHY. I have no questions.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. Nader, I feel sure that history and the American people will honor you for your contribution to the cause of traffic safety. I think you did have some assistance, though, from Detroit in stimulating public interest, as I said, and I was glad that you led such a blameless life for you might have gotten into more magazine writing of a different sort.

I have 28 questions for which Congress must find answers to write good legislation. I would like to ask you just these questions: The Administration bill does not require the fixing of safety performance standards, mandatory safety performance standards. They leave it to the discretion of a Cabinet officer.

As I understand your position, you believe that the Congress should require the fixing of safety performance standards for automobiles, for all vehicles.

Mr. NADER. Yes; most definitely.

Mr. MACKAY. I believe Mr. Bugas for the Automotive Manufacturers Association said they now concur, that this should be done.

It seems to me that the real difficult job for Congress is to define what a standard is and how you arrive at those standards compatible with the idea of a free competitive economy.

Would you try to define what a safety performance standard is, to illustrate it, and say how you think it can be arrived at in fairness to the total picture as briefly as you can? I have two other questions.

Mr. NADER. I think that the establishment of the safety performance standard is an administrative function and should not be stimulated in the legislation. It should be a performance standard that allows any number of design alternatives to meet it so that the Government doesn't find itself in a position of telling the industry to use one type of metal as contrasted with another type, for example.

It is the ultimate performance that is involved.

You could take the area of door latches and set a performance standard that all door latches have to take so much stress, longitudinal force, before they open.

This could be done in terms of very precise technical values, and in order for it to be enforced adequately there would have to be a suitable inspection or other enforcement procedures so that we know that the cars that come out do meet the standards.

That would be the process. Very briefly, then it would involve a hearing process, a full exchange of views between the public and the Government, and the right to challenge the particular standard if a group feels that it is outrageous.

Mr. MACKAY. In all of your studies, have you found any place in any government, Federal, State, or local, or in any private place, where you feel that now all of the research has been pulled together in one place, touching on every element of the traffic accident phenomenon?

Mr. NADER. No; of course not. There are certain States that have a level of proficiency higher than others. But against the requirements that are needed in this bill, there is not the remotest proximity in any of our States or in any group that has a public function to do the job.

I think anybody who says that the States have had a lot of experience here and a lot of knowledge that has been built up, and that is why they should have a discrete and explicit share in the same decision-making process with the Federal Government can only be commended for a forensic performance.

It just does not exist.

Mr. MACKAY. We have attacked the Administration bill for being weak in that then it only authorizes research. Do you think that Congress should direct comprehensive research or that all research be pulled together by the Federal Government?

Mr. NADER. Yes. There is no question about it. The function of Congress is to pass laws. It can only go so far in delegating a congressional authority to an administrative agency. So there is a great necessity for there to be guidelines in the legislation and di-

rectives in the legislation so that Congress can know to some extent what can be expected of an administrative agency, and so that in ensuing years there can be an appropriate review by Congress of the agency's performance against the guidelines in the legislation.

Mr. MACKAY. That leads to the third point. Mr. Boyd objected to our view that we need an FAA type agency, that is, an agency set up by Congress to do certain things, on the ground that this did not give the Administration enough flexibility.

You have been around the Government quite a bit as well as in the practice of law. You have a good legal education. Do you think that the simple assignment of certain responsibilities to a large department of Government will assure us a tight enough focus of attention on this problem? That is Mr. Boyd's view, that all we have to do is give the responsibility to the Cabinet officer.

Our view is that we have to legally assign the responsibility to an agency. Would you speak to that?

Mr. NADER. I would agree fully. One of the greatest ways to assure a delay in Government is to separate out the responsibilities, have them diffuse, and have them crossing various agencies. The only thing this does is shift responsibilities from one area to another almost incessantly and lead to the establishment of dozens of coordinating committees with all the wasted energy that goes through there.

What is needed is not only to ascribe the function to a department, whether it is the Department of Commerce or Transportation, but in the organization of a Department of Transportation that there be a discrete agency within this Department that has the responsibility to administer the law.

Mr. MACKAY. Mr. Chairman, I would like to hand these questions to Mr. Nader and ask him to respond to them by letter, if he would.

The CHAIRMAN. He can respond to the committee if he wishes.

(The reply to Congressman Mackay's questions will be found in the committee files.)

The CHAIRMAN. Mr. Harvey.

Mr. HARVEY. I happen to be a lawyer, Mr. Nader, and I would like to state that I personally have been very proud of the effort that has been made in the last decade among all lawyers in this particular field, not only the American Trial Lawyers Association, but also the American Bar Association, as I am sure you are familiar with, has a section that has been working in this field for several decades now.

In modernizing reports, in directing efforts at the field of enforcement, primarily.

We also had the American Medical Association in here. The thought occurred to me, in looking at it very materially, that both of these organizations would naturally tend to lose financially, if anything, by their efforts, because I think both of them have such a close proximity to accidents.

I personally commend those organizations very much as I commend you for your interest in this particular field. I can't help but think, however, that then it has only been in the last year or 18 months, possibly 2 years, that this awareness has been directed at the vehicle, itself, and at the injury caused rather than the accident.

Would you agree with me that up until now the two leading organizations in the field of safety in the country, the National Safety Council, and the American Automobile Club, directed at automotive safety? Would you feel that, as I do, or not? Are they the two leading ones?

Mr. NADER. They are two of the leading ones. There are others.

Mr. HARVEY. Certainly nothing in their past efforts has been directed at this aspect of highway safety whatsoever, has it?

Mr. NADER. They have been heavily oriented toward the driver factor, as, in fact, the law has. As you know, the law concentrates heavily on the driver in the way it controls the highway traffic system, with penalties and enforcement. This is what struck me very early as being highly unfortunate and as I see it, a function of the law is to try to make operational science and technology for the safety of the highway system.

That is, it translates, you may have all kinds of innovations and inventions, but it is the law that finally translates them into application at a faster rate than ordinarily would be the case if we waited for the industry.

The National Safety Council and the American Automobile Club, up until recently, have been heavily stressing the human factor.

Mr. HARVEY. And they stress public education awareness, driver education, and enforcement really, those aspects of it. So really it is not surprising, when you look at it, that the automobile manufacturers have not done some of these things in the past that they now see published and that they wished they had done, as Mr. Ford said yesterday in a speech, for example.

Mr. NADER. It is not surprising at all. The automobile and the manufacturer have been outside the rule of law and that has all the predictable consequences of anarchy.

Mr. HARVEY. They have really been trying to satisfy the tastes and whims of the American public. After all, it is the American people that does go for these names, such as Mustang, that does go for speed, for the new car every year.

Mr. NADER. Their tastes are certainly cultivated by the manufacturer to a very large extent.

Mr. HARVEY. Let me ask you one question that would be of interest. If the committee were to enact compulsory standards, what effect would that have on the model year, the change in models every year? Have you thought that through?

Mr. NADER. Yes. I think the effect on the annual model change by continually upgraded safety standards established by the Federal Government would be a very healthy thing. It would perhaps become a true annual model change in the engineering innovation sense, instead of now so heavily being an annual style change. Perhaps it would be an annual engineering change. That is what we should aim for. The customer is paying at least \$700 extra for the cost of the annual model change today when he goes down and buys a new car.

Most of this change is style change and it is very expensive and is passed on to the customer. If over the years he received a significant increment of safety every year for that \$700 we would have a much safer car today. Since that did not happen, we have to make up for lost time, and it is this type of pressure on the industry which will

trigger some of its engineering talents into building safer cars instead of spending tremendous amounts of energy, time, and money, trying to decide whether a grill pattern one year should have a grin or a grimace.

Mr. HARVEY. I have no further questions, Mr. Chairman.

Mr. ROGERS of Texas (presiding). Mr. Farnsley.

Mr. FARNSLEY. Mr. Nader, I am very grateful for what you are doing. I realize the problem we have now before us. As a father of three sons who are of an age in which they are very active, I am very grateful to you. The chairman of our Automotive Safety Committee in Kentucky is a close friend of mine. We have worked together on this. When it came out that you had been investigated, I asked him what he thought, and he said, "That means they are fighting. People don't do things like that unless they are fighting."

I talked to him the day before yesterday about calling these cars in, and he said the manufacturers are in a state of panic. I think we are going to get results. I think we are going to get a safer car. I have not much time, but I have three boys I am very fond of. Can you give me some quick information on what are the safest cars available, no matter where they are made?

Mr. NADER. No, I cannot. That is one of the problems. The consumer can go to no authoritative source and find out which cars are safer. In fact, he can't even find out whether the tires he is getting on the car, the two ply, are safer than the four ply he used to get 2 or 3 years ago.

There is no way to judge. The letters that I have been receiving every day all have a common theme of "Where do we go?" "How can you tell if one feature is hazardous or not?" "What are the remedies?"

There is no place to go. The letters that they send to the industry uniformly come back with the public relations gloss that can infuriate, and quite properly so, the motoring public.

Most of the change is style change and it is very expensive and is to use a three-point seat belt properly installed and properly engineered, and he can go down to the dealer and ask him to put on the table all these safety options which they charge extra for. The safety options are extra cost unlike styling features which are standard. He should try to take advantage of these options. They may cost him more, but he should be willing to pay more for the added safety.

In terms of guidelines, it is quite chaotic. Talk to people who know tires, for example, and almost uniformly they will put a larger size tire on their own car, not only because the tire will perform better but because it will take contingencies such as heavy loading of the station wagon. This question was asked of the auto manufacturers, I believe, last year in the Senate, and they denied flatly that a larger size tire had any advantage under any conditions.

The question at hand is: Who can give an authoritative determination so that the consumer knows what he is buying and under what conditions he has to buy additional safety?

Mr. FARNSLEY. Thank you.

Mr. ROGERS of Texas. Mr. Carter.

Mr. CARTER. I take it that some of the smaller cars are possibly not as safe as the larger ones. Is that true of the more compact cars?

Mr. NADER. Generally speaking in a collision situation, yes.

Mr. CARTER. Which would you say was the unsafest, or would you want to say that?

Mr. NADER. Do you mean American cars or cars generally?

Mr. CARTER. Generally.

Mr. NADER. Then I think the leading candidate for that designation would be the 1960-63 Corvair on several counts.

Mr. CARTER. I was referring particularly to the foreign-made cars. Would you want to state which ones of those are the unsafest?

Mr. NADER. We have not full tests to determine the entire range of the literally dozens of European models. My comments on the Volkswagen came from the fact that by far it is the small car most sold in this country.

Mr. CARTER. Yes. I take it also that you deplore the use of the names Mustang, Toronado, and Barracuda for our cars, is that true?

Mr. NADER. Yes, I do, because it reveals an attitude and a priority given to the type of concept that is peddled to the consumer. It is not responsible. I don't know what the implied warranty of a Barracuda is. When you are dealing with a product that involves the chewing up of so many people every year, it is just the better part of prudence not to name it with such inflammatory terms.

It is the better part of prudence at least unless the auto makers can show studies to the contrary, for instance, that it does not have a transference effect on teenagers.

Mr. CARTER. And I notice that the Volkswagen chews up quite a few, as you say, and yet there are those who call it the Pussycat.

Thank you, sir.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. CUNNINGHAM. Actually, you don't have any figures to substantiate your claim that the design is the cause of accidents?

Mr. NADER. The design of the vehicle?

Mr. CUNNINGHAM. Yes.

Mr. NADER. Let me explain that, Mr. Cunningham. In terms of the available statistics as to how many accidents are caused by the vehicle or primarily caused by the vehicle, we do not in this country investigate the role of the vehicle in the accidents.

We have had pilot projects where accidents have been investigated intensely. One of these is the Harvard team which completed its work about 2 years ago and investigated accidents in the Boston area.

The conclusion from that series of investigations is that the vehicle was the first cause of the accident. Let me make just one point clear, if I may. When we start talking about what is the cause of the accident, driver, vehicle, or highway environment, we have to remember that there are interactions here.

If you want to say that the vehicle as it is now, keep that constant, you could very easily show a high proportion of driver error causing the accident. If you want to say about the driver, let's keep him as is and expect more of the vehicle, then you could show that the vehicle is, by default or negligent input, the cause of the accident.

Mr. CUNNINGHAM. I have been in traffic safety work professionally for many years. You have not been in this field professionally, and you have no real competence.

Mr. NADER. On the contrary, I do.

Mr. CUNNINGHAM. I would like to have you present for the record the professional experience you have had full time in this field.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Mr. Adams.

Mr. ADAMS. I have no questions.

Mr. ROGERS of Texas. Mr. Watson.

Mr. WATSON. I am sure, Mr. Nader, every American shares your desire for having a safer automobile and as I read in one of the current issues of *Life* by one of the engineers involved in studies at UCLA, said he was apprehensive about what might result if he created the psychology that we are building a safe automobile, that you can crack it up and do everything you wish, practically.

He is rather apprehensive that then it might cause more carelessness on the part of the driver. Would you care to comment on that?

Mr. NADER. I think the survival instinct and the overwhelming good sense of the majority of people would militate against such a consequence. If you put forth the proposition that by making cars safer you will increase the likelihood of drivers driving more dangerously, then I think we must also accept the converse that if we make cars less safe they will drive more carefully.

I don't think either is true, and I think we can't stop the process of improving the safety of cars because there may be a handful or a tiny, tiny percent of wild teenagers who might want to play chicken by slamming their car into a brick wall instead of over a cliff, as they do now in some instances.

Mr. WATSON. You were not trying to give the impression earlier that the cause of a lot of wrecks was the fact that we name these because the romantic names such as Mustang, were you?

Mr. NADER. No, this is a type of American merchandising policy that strives to direct the consumer to concentrate on these whimsical, lustful, or stylistic features of an automobile instead of trying to stimulate an appreciation and demand for engineering and other functional improvements from year to year in the automobile.

Mr. WATSON. You would not advocate the prohibition of any marking or competition in automobiles, that they would all be named A, B, or C, would you?

Mr. NADER. No. As I said, the namings that are involved, sir, are symptomatic of the attitudes. There may be findings some day that this does have a transferral effect in the sense of charging up some of these teenagers. As I say, it is the better part of business prudence, and in this respect I am happy to say that General Motors executives are in full agreement, it is the better part of business prudence not to indulge in such inflammatory advertisements unless it was shown that they did not have such an effect.

The General Motors people explained ads such as calling the Buicks "get behind this Buick and you can start labeling yourself as the human cannonball," they explained such ads as necessary because "if we don't do it the competition will do it."

They don't try to justify on the merits. They agreed that it is undesirable.

Mr. WATSON. A little better than a year ago, I wrote to some of them—some of the major manufacturers of automobiles—and sug-

gested that it might be helpful to put some little safety reminder on the dash of an automobile.

I can remember perhaps 10 or 15 years ago they had something on either side of the light bright signal of drive safely on one of the cars. I forget what it was.

I suggested to them that it might be advisable to put something as a reminder that wrecks kill. I know I have been to a good many of these safety lectures and I have seen these cars bashed up, heads bashed in, and I go away with the determination to drive safer, but at the same time, after a few miles, I tend to forget it.

I thought this little reminder might be helpful. Frankly, I did not get much response from the manufacturers. Do you think it might be helpful in reminding the driver?

Mr. NADER. There is no way of saying, sir. Professor Malfetti, at Columbia University, who has done some work in this area, tends to conclude that scare techniques, warning techniques like that, may have a negative effect on some people.

There is just no way of saying.

Mr. WATSON. Thank you.

Mr. ROGERS of Texas. Mr. Rogers of Florida.

Mr. ROGERS of Florida. Thank you, Mr. Chairman.

Mr. Nader, it seems to me that this legislation we have before us really could be called the 10 percenters bill, because the bill is really to about 10 percent of the problem that we see before us as far as safety is concerned.

Mr. NADER. In the first year. In 4 years you would take care of half of your vehicle mileage, however.

Mr. ROGERS of Florida. Except that they would become used cars and you would agree that they could have defects.

Mr. NADER. Yes, it would be a steadily decreasing problem, however important it might be right now.

Mr. ROGERS of Florida. I am not sure that I would agree with that, necessarily. You might put on some improvements, and I would hope we would, and I would agree that this needs to be done. But the concern I have is that we are not really looking at the full problem. I wanted your comments and your feelings about, say requirements for a certificate of safety for the 90 percent of the problem that exists today, or doing something, anyhow, about the resale of these cars to try to bring them back to a safety standard that would be safer.

Mr. NADER. You are quite right, Mr. Rogers, that even if we start building much safer cars, not only in terms of their collision performance but in terms of their reduced need for maintenance because of their better quality, there still is the problem of the cars that are on the road today.

According to the Bureau of Public Roads, 4 years of car production will account for half of the vehicle miles traveled. So we can turn over fairly rapidly certainly much more rapidly than we can our highways.

Mr. ROGERS of Florida. Might I say there I am not sure that really gets to the problem, simply to say that more cars would be traveling. Would that be most of the traveling in the 4 years?

Mr. NADER. Yes.

Mr. ROGERS of Florida. There may be a lot of cars that will not travel very far, the older cars.

You would agree with that?

Mr. NADER. Yes.

Mr. ROGERS of Florida. I am not sure that would be a good statistic.

Mr. NADER. In terms of the vehicle mile exposure. I am restricting it to that, because that is what our rates are based on now.

But your problem is obviously quite an important one, what do you do with the cars on the road today, particularly when you see the results of the inspection of cars, and this is an area where we could hope to get much more data on.

New Jersey, for example, rejects about 25 percent of the new cars that they inspect. These are new cars. So you could imagine what would happen after the car is out on the road for a few years.

Mr. ROGERS of Florida. Exactly. You would think that the new car had the less difficulty as far as the safety factors are concerned than the old cars, which would have more trouble with the safety features.

Mr. NADER. That is correct. Now my main problem with the suggestion that cars be inspected every time they are resold and certified, is how do you do it so it just doesn't become pro forma and become very political. The history of inspection in many States is not a very heartening one.

Mr. ROGERS of Florida. We are not leaving it to the inspection. This is for the man who sells it, who would have to certify the safety just as the new car dealer does. How will you get the new car dealer to do it except by law?

Mr. NADER. You are putting the burden on the dealer who sells it, so that he is responsible.

Mr. ROGERS of Florida. That is correct.

Mr. NADER. I think that is a very commendable suggestion.

Mr. ROGERS of Florida. I am glad to have your feeling on that. I do think it is important for us to do something about it.

As I understood in your testimony yesterday, you felt an advisory committee could be developed but you felt the consumers should be represented on such a committee.

Mr. NADER. I think it is absolutely a necessity that that be so.

Mr. ROGERS of Florida. One last question. You state now that there are no places where a person can go to and get his new invention evaluated. We have appropriated for some years now money to HEW and Commerce to carry on these safety programs. In fact, many of the university centers such as Harvard—well, I think they have a grant of \$900,000—such as Cornell and various other universities, and right here they have an in-house program. But it has not been possible, you say, for people with these safety designs to come to the departments and get them evaluated?

Mr. NADER. You have really hit on an exceptionally important point which I think the legislation will have to take into account. It is not enough just to support research, although I would agree that the amount in terms of research and development, \$10 million proposed in the administration's bill, is grossly inadequate compared to the problem. It is not enough simply to have new research studies, unless you have a system whereby when they are completed and sent back

to the agency sponsoring them they are processed for their policy significance; that is, you should be receiving recommendations from the executive branch as a result of these studies.

Mr. ROGERS of Florida. That would be such as for seat belts?

Mr. NADER. Yes, and also to process them in some way that the consumer can be informed better.

We have known all along, for example, that tinted windshields involve a reduction in visual levels in automobiles. Tinted windshields are now being sold as extra cost options, or they come with the car priced higher accordingly. You pay more to see less.

Mr. ROGERS of Texas. The time of the gentleman has expired. The Chair recognizes Mr. Keith.

Mr. KEITH. Thank you.

My question has to do with road design. The Federal Government frowns upon three-lane highways. Now, in my district we have built a new road which, prior to its becoming doubled, had just a center strip down the middle. It is actually about 48 feet wide. There are many roads in this country 48 feet wide but four lanes. The Government insists, however, that this road must remain a two-lane road and cannot be three or four.

They are worried, perhaps, about the shoulders. But they will not build another section of the highway paralleling the present road until the traffic count gets up to where, in their view, it will support it.

Do you have any information as to whether or not it is safer to make this 48-foot roadbed four lanes now or whether it is best to leave it at two lane, where we have occasional mopes who come along and force people to take a chance and have head-on collisions.

Mr. NADER. I do not have information on that point, sir. These would have to be very careful studies of the traffic flow. You would have to compare one type of highway with another to get a determinative conclusion.

The principle that a one-way road is safer, such as on our new turnpikes. I think is quite well established.

Mr. KEITH. We are now running into many areas of the country where they build these new roads with one barrel at a time, and the roadbed is sufficiently wide for four lanes, but in order to be economical they have a two-lane road with a very large apron. Then they wait until the traffic load is sufficient to build the other lane.

I maintain that in the interim period we should make it a four-lane road even as we are doing right now in Rock Creek Park. The time lag which is now prohibitive could be extended.

Do you have knowledge about a possible system of signs which could be developed that would improve communications so that, say, if the road narrows ahead, a driver, noticing someone overtaking him would pull over to the right?

Mr. NADER. The whole area of improving the communications to the driver as he is driving down the highway as to conditions that either precede him or follow him is one that I think will undergo great study and considerable investment in the next few years.

Whether a particular feature improves the safety of travel on the highway, I have no information. These questions should be answered, to the extent they can be answered, by the Bureau of Public Roads, which is involved in this.

Mr. KEITH. I have one further question dealing with the swaying of large cars, particularly big station wagons. We finally disposed of our station wagon because of the swaying. We invested in a sway bar, which did not help at all. Have you any comments as to what causes that?

Mr. NADER. The problem in station wagons, and it is one which is plaguing the manufacturers to this day, is the problem of handling stability. Ford, for example, in 1965 and 1966, in its station wagons, went to the coil spring, and it has been having considerable trouble with the operation of this rear suspension.

There are other station wagons that have exactly the problem which you mentioned. I don't know why this can't be solved unless the priority of ride runs roughshod over the priority of handling safety.

Sometimes in order to achieve a smoother ride they will sacrifice many improvements in their handling features, such as maneuverability, minimum vibration at high speeds and so on. This emphasis on ride is something that consistently erodes the optimum construction of tires as well as the suspension system of automobiles.

There can be a book written on what this penchant for a smooth ride again has done to engineering discretion in the auto companies. It is a very erosive priority.

Mr. KEITH. Thank you, Mr. Chairman.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. KEITH. Yes.

Mr. CUNNINGHAM. You mentioned the Bureau of Public Roads. Mr. Connor testified the other day. First of all, those of us in track safety professionally know we have to have figures, and particularly in order to know best to do about this problem.

So I asked Mr. Connor what the accident rate is among Federal vehicles.

The reason I asked that was because they have said that they have recommended or demanded many safety features in Federal vehicles.

I said I am wondering what the accident rate is among Federal vehicles. I asked what reporting system they had to determine what the cause of these accidents were.

Secretary Connor said as far as he knows the Federal Government does not have a reporting system. He went on to say, Congressman, I don't have such control.

Then it is presumed that the Federal Government has no reporting system that includes the reporting of all accidents involving Federal automobiles.

They have all of these so-called safety features that they demand in their automobiles and yet they don't even have a reporting system to know what causes these accidents.

Mr. Chairman, may I have unanimous consent to include in the record at this point two articles, one by Roscoe Drummond, who says in his article, "Good data not available. We should not rush in legislation on basis of emotional pressure and unreliable information."

And also an editorial from the Omaha Evening World-Herald one paragraph of which says:

"We seem to recall that a vehicle completely designed built, and inspected under Government supervision, at a cost of no one knows how

many million dollars, was obliged to come down out of outer space a few weeks ago after very nearly incinerating its occupants."

Here the Federal Government has a vehicle that the Federal Government, itself, has complete control over and they nearly had an accident.

The CHAIRMAN. Without objection they will be included in the record.

(The documents referred to follow :)

[From the Detroit Free Press, May 2, 1966]

MORE DATA NEEDED FOR AUTO SAFETY LAW

(By Roscoe Drummond)

There is no doubt that Congress will pass some needed legislation on auto and highway safety this year.

What is in doubt is whether it will limit any new law to what the present facts justify and not rush into measures on the basis of emotional pressure and unreliable information.

The automobile industry has said it is willing to work with Congress on new and improved Federal standards for the building of safer cars. That's good. There is no need for delay.

But Rep. James A. Mackay, Democrat, of Georgia, himself a member of the Interstate Commerce Committee which has held long hearings on the subject, makes a valid case that no new Federal legislation trying to set out uniform national highway-and-driver safety measures should be based on the limited and unscientific data now available.

The reason good data is not available is that there has been no adequate research into the causes of highway accidents.

This is why Representative Mackay, who has applied himself more thoroughly to these matters than most and who is in no way interested in delay for its own sake, is urging that Congress establish a research center to examine every facet of traffic accidents and report back soon.

The more testimony Congress has taken, the clearer it has become that the data on the causes of highway accidents is woefully incomplete and often superficial.

The Highway Safety Council offers Congress a great deal of information, but when Mackay checks into the police and highway departments he finds so many loose practices in gathering the information that it is simply not a good enough base for new legislation.

He contends that it would be a grievous mistake to attempt to frame a uniform highway safety measure until more full and more competent research can be completed.

Ten years ago there were exhaustive congressional hearings into highway safety and they produced the same kind of information which has emerged during the past few weeks.

Public apathy then caused Congress to do nothing.

Today, fortunately, apathy has disappeared and public demand has exploded all over the country in a chain reaction of controversy and concern.

And very rightly. At least 4,100,000 persons were killed or injured on the highways last year. Deaths increased 1 percent over 1964; injuries, 7 percent. Last December was the most murderous month of all—4,940 died. Casualties were up 6 percent in January and February of this year.

There is no reason to believe this mounting spiral will be arrested and reversed unless there is an unprecedented effort to establish a truly national traffic safety program with much more specific assignment of responsibilities than now exists in the Federal and State governments.

Traffic accidents are the greatest killer of youth from the ages of 15 to 25—they are the most reckless drivers—and the fourth greatest killer of Americans of all ages.

We have national cancer research, national heart research, national cerebral palsy research. A solid beginning toward safer autos is practical, but before we attempt to draft a national safety law, fuller and more scientific nationwide research into the causes of accidents is imperative.

[From the Omaha (Nebr.) Evening World-Herald, Apr. 11, 1965]

DETROIT AND ITS CRITICS

The automotive industry clustered around Detroit is unquestionably the largest and finest manufacturing complex on earth.

The cars produced there are the greatest. Almost anywhere on the globe, the man who can afford to own an American automobile (duty and shipping costs make the price almost prohibitive overseas) counts himself the luckiest of mortals.

Perhaps the most important factor in creating this success has been competition. Dog-eat-dog competition between some of the toughest industrialists on earth. Competition that has caused the motor-makers to bring out new models every year, embodying every improvement in motor, mechanics and style that they think the public will welcome.

Now politicians are trying to get into the act.

The Administration in Washington has demanded that the bureaucracy be allowed to set mandatory safety standards for cars (standards which might affect every part of the vehicle), and a Senate Committee has been holding hearings.

This inquiry has turned up two principal allegations:

- (a) That automobiles are not as safe as they might be, and
- (b) That faults in design have been found occasionally in some models, faults so grievous that the makers have been obliged to call in cars already sold and make corrections.

Let's take a look at those two charges, starting with safety.

Unquestionably the automobile is not a completely safe machine. It is involved in the deaths of some thousands of people every year. Anybody who places his own safety and security above all other considerations had better buy himself a General Sherman tank or better yet, stay in his own basement.

If the American public ever shows a genuine interest in safety, and demands that the automobiles it buys be equipped with the most advanced safety devices, we rather surmise that somebody in Detroit will comply, and the others will have to follow suit. But lacking any such widespread demand, we doubt if Government regulations or Government design of automobiles would do much good.

We seem to recall that a vehicle completely designed, built and inspected under Government supervision, at a cost of no one knows how many million dollars, was obliged to come down out of outer space a few weeks ago after very nearly incinerating its occupants.

The trouble? A simple short circuit. To the safety-minded it would seem elementary that a device operated by the electricity should be protected against short circuits.

Now, as to the second count, that motor cars sometimes develop trouble caused by faulty design. Undoubtedly that is true. It can happen with any piece of machinery.

Last week the engines of an Atlas-Centaur rocket fired from Cape Kennedy failed to ignite while reaching toward upper space. The Atlas-Centaur is the showpiece of America's billion dollar attempt to put men on the moon. The incident does not prove that the Atlas-Centaur won't ever work. But it does suggest that sensitive machinery does not always work as well as its designers hope, and that sometimes changes have to be made.

If Detroit's auto makers keep on selling defective cars after they know they are defective, they certainly should be whaled. But if the complaint simply reads that they have made mistakes, and acknowledged them, and made restitution, then we can't see that any one in Washington has reasonable grounds for getting into the act.

We are not here entering a blanket defense of the automobile industry. Possibly, on occasion, some of its tycoons have been guilty of sharp practices and even law violations. If so, the Department of Justice certainly should crack down.

But law enforcement is one thing, and Government-dictated design of automobiles is another. We rather surmise that if the latter practice had been followed for the past half-century, we would all still be riding around safely at 20 miles an hour in Model T's. And black ones, at that.

The CHAIRMAN. Is there anyone who has not had an opportunity to question this witness?

Mr. WATSON. If the committee would indulge one comment, I would appreciate it.

In response to the last question I propounded to you, you, as I understood, said that you were afraid that the warning to a driver that an automobile kills might have more of a detrimental than beneficial effect.

I hope that you will clarify that. That goes against all of our traffic safety, all of what we have been trying to do. I am inclined to give credence to every man, but if a man will make that statement, then I am inclined to discredit everything he said.

Mr. NADER. I didn't make that statement. I referred to Professor Malfetti who has done more work in this area than anyone else.

Mr. WATSON. Do you agree or disagree with the statement that a warning that an automobile will kill you would be beneficial or detrimental?

Mr. NADER. There are two questions here.

Mr. WATSON. Do you agree or disagree with the gentleman?

Mr. NADER. He didn't come to a final conclusion because this is a very different area to conclude about, the impact on human behavior. What he did say was the type of poster showing, in England—

Mr. WATSON. Mr. Nader, do you agree or disagree that a warning to the driver that a wreck will kill you is beneficial or detrimental?

Mr. NADER. I cannot conclude either way.

Mr. WATSON. You cannot conclude either way. Then I am inclined to discredit a good bit of what the witness says.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Friedel has one question.

Mr. FRIEDEL. Mr. Nader, I remember about 5 years ago when Mr. Roberts was chairman of this subcommittee we had a demonstration on a spaceometer. That would remind the driver how many car lengths he should be behind another car. In other words, it would stop tailgating.

I was greatly impressed by that demonstration, and I think all the members of the committee were greatly impressed. Since that time, I have watched tailgating and I have kept a proper length from other cars.

We have an inventor in Baltimore who gave this invention to the State of Maryland free. I think if they are put on by the manufacturers at the factory they would cost about 25 cents. There might be a little bit for the royalty, but that would go to the State of Maryland for traffic safety.

I don't know if you are familiar with that spaceometer or not. That gentleman has invented many safety devices. He gave the spaceometer to the State of Maryland. I would like to see the industry use it and see whether it would stop tailgating, which causes so many accidents. Are you familiar with the spaceometer?

Mr. NADER. No, I am not.

Mr. FRIEDEL. That is all, Mr. Chairman.

Mr. SPRINGER. This is personal, Mr. Nader. Did I understand you to say a moment ago that you thought the 1960 to 1963 Corvairs were the most dangerous or the least dangerous?

Mr. NADER. I said they were leading candidates for the most dangerous car.

Mr. SPRINGER. I am driving a 1960 Corvair with 53,000 miles on it as of this morning. What is wrong? What should I be watching out for?

Mr. NADER. There are various problems with the Corvair. Without going into much detail, I will list a few briefly. Under certain conditions of driving, particularly cornering, certain combinations of cornering angle and speed, the vehicle's rear suspension is so designed that there is pressure on the rear wheels to begin to tuck under. As the rear wheels begin to tuck under you begin to lose greater control over the vehicle and there is a rear-end breakaway phenomenon where, in effect, the rear end, not the driver, will begin to direct the vehicle.

You may have a Corvair with accessory equipment to stabilize it, I don't know. You may drive this car within its limits of controllability. You may not push it to limits where it would not be controllable, but on other cars the same situation would be controlled.

Mr. SPRINGER. What do you mean by pushing it to limits? I am driving it every day and have been for quite a while. I want to be sure that I haven't got the wrong thing here. What do you mean by pushing it? Do you mean speed, or going around a corner?

Mr. NADER. It is a combination of many factors. Even crosswinds are involved. But the two primary factors would be the cornering angle and the speed at which which you are going. The car has been shown to go out of control, for example, at a speed around 25 miles per hour at a sharp cornering angle.

Mr. SPRINGER. Do you mean when I go around a sharp corner?

Mr. NADER. Going around a sharp corner for considerable yardage, not just going around, say, for 10 yards.

Mr. SPRINGER. I go around a lot of corners at fairly good speeds between here and Chevy Chase every morning. I must make at least a dozen corners. I just bought an ordinary Corvair, as far as I know, which has been very satisfactory at the first 50,000 miles.

I was trying to find out what problems you might think I might run into.

Mr. NADER. What tire pressures do you keep?

Mr. SPRINGER. I think they tell me 28 to 32. I forget whether it is 28 in the front and 32 in the back or 28 in the back and 32 in the front.

Mr. NADER. The recommended tire pressures are 15 pounds per square inch front and 25 pounds per square inch rear.

Mr. SPRINGER. Then am I more dangerous or less dangerous?

Mr. NADER. That is what people have been asking. It is very hard to get the answer as to the best differential tire pressure for front and rear. There are other aspects of the Corvair, such as the steering column facing you every day on a low front collision ramrods back much more easily than other cars. The gas tank which is close to you has been known to rupture and incinerate occupants in otherwise survivable accidents. It is in an exposed position. This was recognized by a leading General Motors engineer, Maurice Olley, before the Corvair was built; that is, the risk in putting the gas tank in front in that exposed position.

The instrument panel, as you can see, can concentrate tremendous forces on your head if you strike it. Those are some of the other aspects.

Mr. SPRINGER. Thank you.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. Mr. Nader, some of your critics have said that you have distorted the overall traffic safety issue, that you have been unbalanced. I have read your book and your articles. If I understand what you are doing, you have just elected to discuss the vehicle as a factor in the total picture and really have not written about traffic safety generally, and you don't discount the other elements in the picture. You have chosen to concentrate on this particular aspect; is that correct?

Mr. NADER. I chose it because it was the most neglected in my judgment, and in my judgment, and the meaning of the evidence I have produced in my book, it is the most important remedy to reduce the accident-injury toll.

Mr. MACKAY. And in order to focus attention on that, you simply have not gotten into other areas of traffic safety; is that correct?

Mr. NADER. Yes. If I may take a simple analogy, it is like shaving. We want everybody to be careful when they shave so they don't cut themselves. But quite obviously the first step in safe shaving is not to get a jagged razor blade.

Mr. MACKAY. Thank you. That is all, Mr. Chairman.

Mr. ROGERS of Florida. You said there was no university in the United States where a person could get an automotive engineering degree?

Mr. NADER. There are aeronautical and mechanical engineering degrees but not automotive engineering degrees.

Mr. ROGERS of Florida. I was under the impression that Northwestern and the University of Michigan and Cornell had such.

Mr. NADER. You might be referring to traffic engineering degrees.

Mr. ROGERS of Florida. No, auto engineering.

Mr. NADER. Not to my knowledge.

Mr. ROGERS of Florida. Thank you very much.

Mr. FARNSLEY. Mr. Chairman?

The CHAIRMAN. Mr. Farnsley.

Mr. FARNSLEY. I am up to my ears in Corvairs. Is there any advice you can give me on those early Corvairs? You said there was something you could do to help that rear suspension problem.

Mr. NADER. Yes. In a study made by Suspensions International of Long Island, they recommended three improvements that could be applied to the Corvairs that are now on the highways which would cost the Chevrolet Division, labor and materials, no more than \$20 maximum per vehicle. These three are stiffer springs, rebound straps, and a front antisway bar. Those components would measurably improve the stability of the automobile.

Mr. FARNSLEY. Thank you so much.

Mr. NADER. Every dealer should be able to do that for you.

Mr. FARNSLEY. Thank you very much.

The CHAIRMAN. Dr. Carter?

Mr. CARTER. I know we are all very much for greater safety in our cars on the highways.

The CHAIRMAN. Thank you, Doctor.

Mr. Cunningham?

Mr. PICKLE. Mr. Chairman, I would like to insist on regular order, if that is the term. I have a witness I want to present. We have had 2 days now on this witness. This man has been waiting in town for 3 days. He came 2,000 miles. This could go on interminably. I hope we can conclude these questions and come back to this gentleman some other time.

The CHAIRMAN. I am trying to finish off as soon as we can.

Mr. Cunningham, did you have a question?

Mr. CUNNINGHAM. I would like to ask the witness how much money has he made on his book and other writings since he has quit the law.

Mr. NADER. I can't supply you with that information now, however relevant I might wish it would be to auto safety issues.

Mr. CUNNINGHAM. Will you supply it for the record?

The CHAIRMAN. Would the witness for a moment please suspend?

I don't believe we are going into his record of what his earnings are. We are trying to find out about automobiles. I will agree with the gentleman from Nebraska that we want to know everything that we can and should know as much about every witness as we can. Certainly he wrote his book for profit. That should be sufficient.

Mr. CUNNINGHAM. Then I have another question, Mr. Chairman.

We were talking about graduate engineers. You are familiar with the fact that there are graduate engineers in traffic safety engineering, are you not?

Mr. NADER. Yes; there are degrees in traffic engineering.

Mr. CUNNINGHAM. Just one final question. In the New York Times it states you have written magazine articles, letters to the editor and so on, and you took auto negligence cases through the courts. Is that true?

Mr. NADER. I have represented claims in a variety of cases which have included automobile negligence cases.

Mr. CUNNINGHAM. And it is also true that by putting the blame on the automobile design you have a better chance of getting your clients off the hook?

Mr. NADER. No, that is not true at all.

Mr. CUNNINGHAM. You don't have any figures to show how many accidents are caused by faulty design.

Mr. NADER. The only way—

Mr. CUNNINGHAM. If you can put the blame on the manufacturer, the jury would be more apt to let the clients off the hook.

Mr. NADER. If you had the facts, yes. I don't see anything wrong with bringing forth the full facts in any adjudication. That is the way justice is done.

Mr. CUNNINGHAM. You are very clever in your answers and you skirted around all the things I have tried to bring out.

Nevertheless, Mr. Chairman, that is all I will have now.

Mr. NADER. If I may assure Mr. Cunningham, most of the returns from my writing these days, Mr. Cunningham, are going for the program of auto safety and to further my work in auto safety.

Mr. CUNNINGHAM. I didn't hear that.

The CHAIRMAN. Do you want him to repeat it?

Mr. CUNNINGHAM. No.

The CHAIRMAN. Are there any further questions that are pertinent which have not been asked and which need to be?

If not, I will say thank you, Mr. Nader, for coming and giving us the benefit of your views. We understand these are your views, and we understand, too, that we have many, many other witnesses that will give perhaps opposing views before we are through.

We have many to hear from and we have heard many in these 3 weeks. We will take all views under consideration when this is summed up.

Thank you so much for your kindness in coming today.

Mr. NADER. Thank you for giving me this opportunity.

The CHAIRMAN. The Congress is due to have a vote immediately. Perhaps Mr. Murphy would like to introduce his group and let them start—would you like to do that?

Mr. MURPHY. Yes.

The CHAIRMAN. I would like to say that in order to accommodate our colleague from New York, who does have constituents here who are next in line, I will ask him to introduce them. One is Mr. Liebowitz, of New York.

Mr. MURPHY. Mr. Chairman, the witness is State Senator Simon J. Liebowitz, who is the chairman of the Joint Legislative Committee on Motor Vehicles, Highway, and Traffic Safety of the Legislature of the State of New York.

Senator Liebowitz started hearings in New York City on September 10, 1965, on the very issue we are conducting hearings on. He has conducted hearings throughout the State of New York. He concluded his hearings and filed a report with the New York State Legislature. He has also testified before the U.S. Senate Committee on Government Operations on this same subject. That committee is headed by Senator Ribicoff.

As a result of his proposals, 31 bills were introduced in the New York State Legislature on automotive traffic safety.

It is a pleasure for me to introduce Senator Liebowitz.

The CHAIRMAN. I would say, Congressman Murphy, we are very happy to have this introduction.

I would like to say, Mr. Liebowitz, that Mr. Murphy is a very valuable member of this committee and works very hard on the committee.

We will recess at this time until 2 o'clock. I just wanted Mr. Murphy to have the opportunity to present you. I know before we get started we will have to recess.

We will be in recess until 2 o'clock.

(Whereupon, at 12:05 p.m. the committee recessed, to reconvene at 2 p.m. the same day.)

AFTER RECESS

(The committee reconvened at 2 p.m.)

Mr. ROGERS of Texas (presiding). The Committee on Interstate and Foreign Commerce will come to order for further consideration of the pending business.

Senator Liebowitz is the witness before the committee at this time.

STATEMENT OF HON. SIMON J. LIEBOWITZ, A STATE SENATOR
FROM THE STATE OF NEW YORK

Mr. ROGERS of Texas. You may proceed, senator.

Mr. LIEBOWITZ. Thank you, Mr. Chairman.

Mr. Chairman, Representative Staggers, Representative Murphy, and members of this wonderful committee that appears to be doing a most excellent job, on behalf of the New York State Legislature, and as the chairman of the Joint Legislative Committee on Motor Vehicles, Traffic and Safety, of the State of New York, I am honored by the invitation that you have extended to me. So that the record will be clear, we in New York have our joint legislative committees expire on March 31 of each year. This was on the theory that we would be adjourning on that date.

However, the system has changed somewhat and we are still in session. So no new committee has been appointed. I am therefore assuming that I am still acting in that capacity.

I am extremely grateful to Representative Murphy, who represents a good part of my home Borough of Brooklyn, and who has shown keen interest in all matters affecting the public good, but particularly in the field of automobile safety.

I have exchanged ideas and information with Congressman Murphy, and I admit his keen insight in the problems which we are faced with.

Fifty thousand American lives were snuffed out last year as a result of motor vehicle accidents. During the next 10 years, unless we do something about it, at least 600,000 lives will be lost and millions of permanent crippling injuries will take place.

Although my formal statement does not relate the accident to its initial cause, that in most cases is driver failure. Although my statement does not deal with that subject, I do not mean to derogate from the importance and the consideration of a program national in scope for the education of a driver.

If I had my way about it, every high school in the United States of America would have a course in driver education. This has proven to be a very excellent method of approaching the subject. As a matter of fact, as you know, insurance companies will rate, at least in the State of New York, the family insurance premium at least where the young man has taken a high school education course approved by the Motor Vehicle Bureau of the State of New York.

As I said, 50,000 lives have been snuffed out.

The problem is acute and it requires no further explanation from me. This is my second trip to Washington. I testified before the Ribicoff committee. Senator Speno, former chairman of the joint legislative committee on motor vehicles, traffic and highway safety, testified before your committee last week and I am sure that he made a very adequate and detailed presentation of the prototype automobile study. I heartily endorse his viewpoint.

My committee has held extensive hearings and rather than elaborate on many recommendations made, I ask that the 1966 report be made part of and incorporated in this record.

I have delivered several of these reports. I think they were placed at your desk, Mr. Chairman. There are two or three of them around.

I may refer to them.

Mr. ROGERS of Texas. I think the proper place for those reports will be in the files. Without objection, they will be received for the file and if appropriate to be placed into the record, they will be placed into the record.

Mr. LIEBOWITZ. If you desire more copies of these reports, I will be glad to supply additional copies.

Mr. ROGERS of Texas. Thank you, sir.

Mr. LIEBOWITZ. I urge Federal support for New York's prototype safety car. However, this is a long-rang program. The program is associated with the disassociation with the automobile industry and the idea is that it be a completely impartial one.

We need results now. We can't wait for completion of the prototype project. We must convince the manufacturers that safety can be built into automobiles now.

I may say in connection with this I think they are getting around to it. There are many points of legislation which I will point out that we passed in New York, or are about to pass, which have been passed with the cooperation of the industry.

Dr. Gikas is from the University of Michigan, and I don't know whether this committee has seen any of his slides or had his presentation, so when I wrote my statement I did not know that. But I see that one of the gentlemen is nodding and from that I assume that you know much about it.

One thing about his reports is that the American-made cars retain adequate interior survival space for passengers. He referred to this very much before our committee. Therefore, we must reach the conclusion, and I am not an engineer but I don't think one has to be one, and since our committee sat in a minor role compared to your committee we must form a judicial judgment, and we say the automobiles that most of our public uses are not fundamentally unsafe.

It is the boobytraps in the cars that cause the fatalities. The boobytraps built into our automobiles are killing more people than bombs, bullets, and rockets. The boobytraps include rigid steering wheels, shift levers, protruding instruments, door handles, sharp-edged instrument panels and coat hooks.

There are other metallic protrusions. In other words, the American car is not padded up enough, as it should be. I will also speak about the hydraulic bumper. I believe that can be handled very easily.

Professor Ryan, as you will see in my statement, from the University of Michigan, has developed a bumper. The automobile industry knows about all these things. This hydraulic bumper would more or less cushion the impact of the collision so that the interior of the car would not get the same jolt or the same momentum of force as it does at the present time.

Dr. Paul Gikas of the University of Michigan Medical Center showed that fatalities in hundreds of auto accidents were directly attributable to boobytraps built into the automobiles. Crash victims are stabbed, cut, crushed when they come into contact with these boobytraps.

The assertion by the auto makers that eliminating these boobytraps is too costly has no foundation in fact. The trouble is that style reigns

supreme rather than safety. The very fact that safety devices are offered as optimal equipment is appalling. All safety features should be standard items.

I urge that the 17 safety features required by the Federal Government on passenger cars it purchases be included as standard equipment on all cars.

I think under those circumstances we will have beaten to a very perceptible and definite sense, and I can back it up based on facts I have in my possession, we will have beaten the matter of the dangerous interior design of the automobile.

The general motoring public should be given the same protection to be afforded Federal employees. The myth that a safe car is an ugly car has been exploded. The auto industry knows what is needed to produce a safe car, but it must be badgered—perhaps that should be modified; perhaps they have come to the realization—prodded and reminded that safety is their responsibility.

Adoption of the 17 safety features would go a long way in drastically reducing the highway death toll.

My report which has been submitted indicates that in New York State with the consent of the industry—and this was after much trial and tribulation—we have, almost by consent, passed a dual-braking bill, which creates a secondary stopping force in the automobile, itself. The Governor signed this bill this year. It will be effective on every 1968 model.

We have passed a bill which should be more scientifically described as the padded instrument panel, which had all the gimmicks and all the metallic substances that caused these great injuries removed.

We have passed in the Senate last week, with me as the sponsor, the padded visor bill, and we have passed the safety tire standards bill in the Senate. It is interesting to note on the safety tire standards bill that the industry went along with the specifications of the Vehicle Equipment Safety Compact Commission, and so did the rubber manufacturers. But we are always faced with these gimmicks.

After the rubber manufacturers approved it, they came back and said, "It should be changed." This was after they gave approval to it at a committee hearing. This is the kind of thing we have had in this industry.

I have also suggested heretofore that because of the seriousness of this problem this Congress give serious consideration to a motor vehicle compulsory reliability insurance law. We protect our aged citizens through social security and medicare. We should have auto-care for the protection of all motorists. Compulsory reliability insurance would be no more than an extension of the social security and medicare philosophy.

If upon questioning, you wish me to elaborate on that, I shall be glad to.

Thousands of people are killed and injured every year and they or their survivors have no protection, except in the few States like New York which have their own compulsory insurance laws.

I will add North Carolina to the States that have their own compulsory insurance laws.

I urge that criminal liability we attached to auto manufacturers who disregard their responsibility to the motoring public. In the State of

New York, I introduced a bill, and I think this really comes within the realm of national legislation, to point this problem up. I introduced a bill that where the automobile company discovers a defect, and I can see where a defect through some error can develop, where it discovers the defect which has a safety angle to it, the obligation for them, by registered mail or certified mail, should rest upon them, to notify the motorist who has purchased that car. This is relatively simple.

The dealer is the person who sends the name of the purchaser to the manufacturer. They should be notified, in addition to what the dealer would do, to come back and get their car serviced to make the car safe.

I am hoping that a bill now in the New York Legislature, and sponsored by 20 other State senators which requires that the Federal Government's 17 safety features be included as standard equipment on all cars sold in New York State will be enacted.

I hope it will be enacted because I am impatient about this thing. I hope it will be enacted because we know now that these standards are sound, that they are minimal, and that they have been adopted by the Government.

I hope it will be enacted because New York State consumes 10 percent of the sale of automobiles in the entire Nation. This is an approximate figure I have. I know if it becomes law in New York, it is bound to take on national significance.

I would like to bring another point to your attention.

I am delighted that Senators Ribicoff, Kennedy, and Javits have introduced a bill which provides criminal penalties for the introduction or manufacture for introduction into interstate commerce of master keys for motor vehicles and for other purposes.

The importance of this legislation is reflected in the statement made in the Congressional Record on page 7030:

Mr. RIBICOFF. Mr. President, during a recent hearing of the Subcommittee on Executive Reorganization on the subject of traffic safety, State Senator Simon J. Liebowitz of New York pointed out the growing menace to life and property from automobile thefts by the use of master keys.

It is important, of course, that the public close their automobiles, because most of the automobile thefts occur because the automobiles are left open.

He told me that since these keys are ordered and sent through the mail there is no way a single State can effectively prohibit their purchase and receipt by one of its residents. Senator Liebowitz urged us to reconsider introducing legislation to exert Federal control over the traffic in master automobile keys.

After studying this problem, Senators Javits and Kennedy of New York, and I have concluded that there is a need for a Federal law to regulate the advertisement and sale of this type of key. We found that for less than \$30 any person can buy a complete set of keys to fit all makes of cars.

Police records show that these keys are frequently used by juveniles to take cars for joyrides. Such youngsters are usually inexperienced drivers and hence are more likely to be involved in serious accidents. By forbidding juveniles to acquire these keys, we can prevent many serious injuries and deaths and reduce one of the leading categories of youth crime.

We were successful in New York State in passing a law that a master key used illegally is in the same category as any other illegal tool.

Mr. Chairman, as part of our public hearing, it was possible for somebody to take a set of these keys and open up my car with the

first key in front of city hall. Of course, the individual had my license identification so that he wouldn't be subjected to any embarrassment. But this is what happened with my automobile.

General Motors has the worst key of all of them, although I think there is a realm of cooperation. I had the officials of General Motors at my office and they have told me how that they are tooling up for a better key. I hope this will come to pass with the 1967 and 1968 automobiles, for them to have a better lock.

Again, I am grateful to you, Mr. Chairman, and I am particularly grateful to Congressman Murphy, for this opportunity to reflect the viewpoint of the committee and myself which I represent.

Mr. ROGERS of Texas. Thank you, Senator Liebowitz.

Let the Chair make this observation, that we are going to strictly adhere to the 5-minute rule, and all witnesses will be requested to speed their testimony as much as possible. We have a great number of witnesses and we have to make some headway.

Mr. Kornegay?

Mr. KORNEGAY. It is nice to have you before the committee, Senator. I want to echo your sentiments with Representative Murphy. He has a keen insight into all of these problems, and he is doing a tremendous job with respect to this bill and the other bills we have under consideration.

I was interested to learn that New York does have a compulsory insurance law. You have heard, of course, from my statement this morning, that North Carolina has, and has had for some 12 years this liability insurance.

How many States in the Union do have laws that require compulsory insurance?

Mr. LIEBOWITZ. I wouldn't say this with any definiteness, but I think there are about five States that have these compulsory insurance laws.

Mr. KORNEGAY. Only five States?

Mr. LIEBOWITZ. That is right, sir.

Mr. KORNEGAY. I am really amazed to find out that that is the situation. This requires a great deal of consideration, not only by the Federal Government but by the individual States involved.

I was interested in your approach to it, if I understand it. That is that you think we should have a national system of liability insurance coverage through Medicare or through the social security system; is that right?

Mr. LIEBOWITZ. I have coined the word, and I don't know how good it is, perhaps you can create a better one, the word of "Autocare" that I have used in this connection.

Mr. KORNEGAY. Each citizen would contribute a portion of his social security tax to go into a special fund to provide for the cost of liability insurance?

Mr. LIEBOWITZ. I must confess that the thought never occurred to me, but it seems to be something that deserves investigation, the thought that you have just expressed. I did not go into the details of it. I know this thing cannot be done overnight.

Nevertheless, I think that might be one of the methods. I don't like to say it, because there are insurance men in this room, I am sure, but I know you have looked into the entire realm of insurance law. I

don't know how that will eventually come out, whether it has to be uniform in character.

Mr. KORNEGAY. I haven't looked into this.

Mr. LIEBOWITZ. I don't mean you personally, but I am sure the Congress has studied the situation.

Mr. KORNEGAY. I know at the time Medicare was under consideration, there was a great deal of talk about many things that might eventually come under the same type of thing, but I don't believe automobile and liability insurance was one of those that I heard discussed.

Mr. LIEBOWITZ. It could be possible that since it involves interstate commerce, that the Federal Government would require that everybody carry a certain minimum amount of insurance, which the States would have to enforce through their different departments.

That would create, within the different States the assigned risk program, and the MVAIC that we have in New York, the Motor Vehicle Accident Indemnification Corp., which is a pooling of the premium of the different contributors to the insurance program.

Mr. KORNEGAY. I have one other question. Does New York have a compulsory automobile inspection law?

Mr. LIEBOWITZ. Yes. I am very proud to state, although it seemed to be unpopular at first, that we passed the new car inspection bill, which is a fundamental thing. It was pointed out by one of the eminent gentlemen seated here that 25 percent of new cars under examination have been found to be defective. These are statistics from New York. The Governor signed that bill and it will be effective this coming October.

We also have for the first time an annual inspection bill. Heretofore we had an inspection bill which related only to automobiles that were 4 years or more in age. Now we have an annual inspection bill.

Mr. KORNEGAY. It provides for an annual inspection of all automobiles.

Mr. LIEBOWITZ. It has many interesting facets. I noted that one of the gentlemen, quite rightly so, made the observation that people may be inclined to sell stickers and just put them on the automobile. However, in the last year, in the State of New York, and my figures are not exactly accurate, there have been thousands of revocations of inspection stations who have not used the proper equipment or who have just been careless about the way they hand out stickers, or who have imposed additional automobile bills upon people which they shouldn't do.

Mr. KORNEGAY. That is the only way you can make that system work.

Thank you very much.

Mr. ROGERS of Texas. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

I am sorry I came in on the latter part of your colloquy. Are you advocating government insurance?

Mr. LIEBOWITZ. No, sir.

Mr. YOUNGER. How do you get it tied in with social security?

Mr. LIEBOWITZ. This was a suggestion that was made.

Mr. YOUNGER. By whom?

Mr. LIEBOWITZ. Let's put it this way, sir: It was expressed as a possibility. I had never heard of it before. I thought it might have some reason for investigation. But this is not what I contemplate at all.

We have compulsory insurance in the State of New York, and we do not have such a thing as government casualty insurance.

Mr. YOUNGER. The insurance companies are doing a pretty good job, are they not?

Mr. LIEBOWITZ. I think that would require another hearing, sir, and I would rather not elaborate on that.

Mr. YOUNGER. I thought the insurance companies were doing a fairly good job on the casualty end.

Mr. LIEBOWITZ. Do you mean in the providing of insurance?

Mr. YOUNGER. Yes.

Mr. LIEBOWITZ. Yes. We have a very strict insurance law in New York.

Mr. YOUNGER. In other words, there is no reason that would cause the Government to step in on that private industry and take it over, is there?

Mr. LIEBOWITZ. I would say definitely not as far as the State of New York is concerned. I have heard some things about other States, but I don't want to take a chance about commenting on them. I don't know enough about them.

Mr. ROGER of Texas. Mr. Van Deerlin?

Mr. VAN DEERLIN. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. Perhaps I didn't make my point a moment ago when the Senator was referring to people cutting corners on this inspection.

When I interjected, I meant that you have to cut the cheaters out, you have to disenfranchise them and have a rigid system and see that the people who have a responsibility for this, carry out their responsibilities seriously.

Mr. LIEBOWITZ. Mr. Chairman, we had quite a discussion in the Senate on this inspection bill. As a matter of fact, the first time it came up it was defeated and it was saved by being recommitted. We got it back on the floor and passed it with much discussion. That was the big point of opposition, will the little garageman, the little inspection man, do the right job?

We finally came to the conclusion that the little garagemen and little gas station owner fellow, private industry, the little man that we need in this country, is fundamentally an honest fellow and when he is impressed with the need and importance of a good examination of the car we will get it.

Mr. ROGERS of Texas. Mr. Van Deerlin, you have 3 minutes remaining.

Mr. VAN DEERLIN. I was interested in your informing the committee of the New York State law which makes it illegal to possess master keys. Would you agree that no such laws on a State basis can be truly workable if the mail order business in master keys is allowed to continue and flourish?

Mr. LIEBOWITZ. Without a doubt I agree with that most heartily. It cannot be done through a State measure. That was why I asked the Senate, your Senate committee, to introduce a bill which has been in-

roduced and which has a number. You have such a bill now in the hopper. I don't know whether you have it in the House or not.

Mr. VAN DEERLIN. For about 9 months on the House side there has been a bill carrying my name, which provides for making illegal the mailing of master keys into any State which has a law making their possession illegal.

I hope that if I am successful in persuading my chairman to conduct hearings on this bill, that we can expect you back again.

Mr. LIEBOWITZ. I would be very happy to come back any time. I have received a wonderful reception here. I thank Congressman Murphy. I have been treated very nicely.

Mr. VAN DEERLIN. I will bring Congressman Murphy into this as an additional author of the legislation if it will bring you back.

Thank you.

Mr. ROGERS of Texas. Mr. Cunningham.

Mr. CUNNINGHAM. I am very pleased, Senator, that you took your time and money to come down here. I agree wholeheartedly with what you said about our good friend Congressman Murphy. He is not only on the job all the time, but he is very sincere, very honest, and we are very proud of him.

I don't suppose you have written any books on this subject, have you?

Mr. LIEBOWITZ. Well, I haven't yet, but I intend to in the future.

Mr. CUNNINGHAM. I noticed many good points in your presentation. You brought out that the design of the automobile has been important and, of course, I think we all agree to that.

Do you have any figures as to how many accidents are caused by the design of the automobile?

Mr. LIEBOWITZ. I don't have figures, but I would like to tell you what I base my conclusions on, if you will permit me. I have some figures.

Let's divide the automobile into different categories. You have operational defects and then you have the interior design. In the State of New York, 2 percent of accidents are due to brake failures. This resulted in the passage of the dual braking bill, and which the industry has known about, they have had it on the Cadillac and on the Rambler, and which they resisted for years—they finally consented to it—2 percent of the brake failures have been serious accidents. Two percent of the accidents have been due to brake failure. It is not close to 100 percent, of course, but that is one factor.

Mr. CUNNINGHAM. That is not quite my point.

Mr. LIEBOWITZ. You asked me about figures.

Mr. CUNNINGHAM. We have 50,000 deaths on the highways. I am wondering if you have any figures that would indicate how many of those were caused by the design of the automobile.

Mr. LIEBOWITZ. We have to divide the accidents into two features. First there is the accident itself, what caused the accident. We will concede in most accidents it is driver or human failure. We will start with that.

Mr. CUNNINGHAM. I want to interrupt you there and say that is exactly what causes these accidents.

Mr. LIEBOWITZ. However, I haven't finished my answer. That is the beginning of the accidents. But the severity of the injury depends

to a great extent on the interior of the car, not again discounting the cooperation of the public.

In New York State I was the sponsor of a bill on safety seat belts. It is important that the public use these safety seat belts, because the most serious accidents occur because of the ejection from the automobile. These are generally fatal accidents or crippling injuries.

Mr. ROGERS of Texas. I am sorry, senator, but the time of the gentleman has expired.

Mr. LIEBOWITZ. What I say is counted into his time?

Mr. ROGERS of Texas. Yes, sir.

Mr. LIEBOWITZ. That is interesting. We will adopt that system in New York.

Mr. ROGERS of Texas. Mr. Murphy?

Mr. MURPHY. Senator, I want to congratulate you on a very fine statement. How many years have you been in the State senate?

Mr. LIEBOWITZ. Since 1959.

Mr. MURPHY. How long have you been associated with this committee?

Mr. LIEBOWITZ. When we were fortunate last year under the plan A bill, the majority came in and I became chairman of this committee. Prior to that time I had been on it for several years, on the standing committee, but I became chairman of the joint legislative committee.

Mr. MURPHY. Did you have the automobile manufacturers' testify before your committee?

Mr. LIEBOWITZ. Yes, I have had a number of them testify. I have had them before my committee several times.

Mr. MURPHY. Were they cooperative in their testimony and in assisting the committee to arrive at the conclusions the report delineated?

Mr. LIEBOWITZ. I would say at the last hearing where they came through with the acceptance of the padded dashboard, as I called it, they offered an amendment to the bill, and as a result of it we have the padded instrument panel. That is going to take a lot of serious injuries and fatalities away from the accident arena.

So to that extent, I would say that I have noted in the last several months a change of attitude but, nevertheless, I don't think we can just rely on that. I think they still must be prodded and it must be pointed up to them that this is a serious public problem. They have been very wrong in their public relations.

They know exactly what a safe car is, but since what I say consumes your 5 minutes, I will hold that and perhaps someone else will ask the question.

Mr. MURPHY. Did they address themselves to the 17 GSA standards?

Mr. LIEBOWITZ. At the hearing, per se, no, they did not. But there is a little statement in here by Professor Ryan, one page, and I give him credit for brevity, I think page 127 of this record, which I think is the answer to this entire safety program. He took a 1959 Plymouth and made it a reasonably good, safe car.

If there are any other questions, I will not elaborate on that.

Mr. MURPHY. Did they address themselves to the increased cost of the vehicle?

Mr. LIEBOWITZ. Not particularly in the last hearing, but that has been the hue and cry of the industry. The fact is, if they take out all

these fancy trimmings, all these gimmicks that they have in the car—I own an Oldsmobile 98, and if they take out all the metallic features in there—and put some padding in there, I think the car will be cheaper, and some of the professors have said so, men who have studied this problem.

I can't quote some of them, really, because I won't be backed up on it, but some of them have told this to me privately. I would rather not be asked who or what because they are not exactly the top echelons.

Mr. MURPHY. With the inclusion of things like hydraulic bumpers and so forth, I was concerned whether people would be priced onto Honda motorcycles and small, flimsy cars, and not have the standard car of today, and maybe wind up with this legislation with a more difficult accident problem because of the lightness of the vehicle.

Mr. LIEBOWITZ. Your concern is indeed important, because the consumer is an important factor. But without the hydraulic bumper, I think if they put a good padding of rubber in between the bumper and the body, I think you would have some diminution of the impact, but I think the important part is the interior of the car. As I said, Dr. Gikes did say there is survival space in these cars.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Mr. CUNNINGHAM. I watched the clock, and there are still 2 minutes.

Mr. ROGERS of Texas. I have my fast eye on the clock today.

Mr. MACKAY. Senator Liebowitz, I have just come to the Congress from the Georgia Legislature, and I am very delighted to see you here. I welcome Senator Speno and representatives of five other legislatures who appeared the other day. I am also very pleased that we have with us today the Georgia General Assembly Committee on Traffic Safety.

I observed the other day that I had found 10 times as much vitality on the subject of traffic safety evidenced here by State legislators than from the executive branch of our National Government.

Mr. LIEBOWITZ. Thank you, sir.

Mr. MACKAY. I feel that you are making a great contribution to the record.

First, do you agree that the Federal Government, however, should establish mandatory safety performance standards for all vehicles?

Mr. LIEBOWITZ. I do. I do agree on the 17 standards immediately. I don't think we have to do much investigating. This thing has been investigated.

Mr. MACKAY. You agree we don't need to have any kind of joint decision by the States and Federal Government; that the States ought to be consulted, but informally?

Mr. LIEBOWITZ. I think some mechanism should be developed to make sure that these things are done within the States, such as the periodic examination of the automobile.

Mr. MACKAY. In your study of traffic safety, have you found any public or private place where all information touching on the causes of accidents and resulting injuries has been brought together?

Mr. LIEBOWITZ. The greatest deficiency we have in this country is that, and somehow it is difficult to convince legislatures to pass these bills. I am referring to the accident investigation procedure. It is only men like Dr. Gikes, who made this study, under the grant at the

University of Michigan, where he goes out as the accidents occur and looks into it who really knows these facts. That is one of the greatest deficiencies that we have in this country and in the different States.

Mr. MACKAY. You would support a mandatory assignment of the responsibility that the Federal Government at least know what is going on?

Mr. LIEBOWITZ. Absolutely.

Mr. MACKAY. And that it support some specific projects in the States, such as your New York prototype car?

Mr. LIEBOWITZ. Yes.

Mr. MACKAY. Your able Congressman, Mr. Murphy, has joined as co-sponsor of a bill to establish an FAA-type agency which would pin down the place where this responsibility would be in our Federal Establishment. The administration bill does not create any agency, by law. It simply assigns to a Cabinet officer certain authorizations.

Do you see any objections to having a national traffic safety agency that would be the point of contact for every citizen in this country who was concerned about any facet of the traffic safety problem?

Mr. LIEBOWITZ. No, I don't. May I say this most respectfully and caution you gentlemen, that one of the big problems we have is the disagreement that exists among legislatures in getting something done. We have some definite things that we know about. We know there are certain minimal standards that should be put in the car.

I would say let's get them in the car and then let's argue out the centralization of it. There should be a central agency where we know just why these accidents are occurring.

Mr. MACKAY. One other thing: Are you familiar with the VESC? Have you had any contact with it?

Mr. LIEBOWITZ. Yes, I have had contact with them. I have a viewpoint with respect to them.

Mr. MACKAY. Would you express it?

Mr. LIEBOWITZ. Well, this is where we disagree on some features with some of our State legislators. I think, per se, this is a wonderful organization. It consists of the commissioners and the motor vehicle executives of the different States. Fundamentally, it is a wonderful organization. They have come up with some wonderful things, such as the tire standards. I think they have a reasonably good tire standard bill now.

I know our commissioner, although he is of a different political faith—we have to give these fellows credit when they are entitled to it—has done a good job with upping the standards with respect to tires, but the automobile manufacturers have used that as a vehicle for holding up certain things.

They say, "We can't take this because the Federal Government has to do it." When they come to you, they say, "We can't take it from you in this State unless the Federal Government does it," and vice versa.

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Macdonald.

Mr. MACDONALD. Just for the record, it is 16 minutes of the hour.

Mr. ROGERS of Texas. The Chair will let you know when your 5 minutes are up, Mr. Macdonald.

Mr. MACDONALD. It is nice to have you here, senator, and I want to compliment the people of your district for sending you to Albany and for sending our colleague, Mr. Murphy, here to the Congress. He does a great job for you.

I just have one question, because Massachusetts, the State from which I come, is one that has compulsory insurance. I don't think compulsory insurance has proven to be the entire answer to the problem.

I was going to ask you if in your State, under the compulsory insurance provision of your State, do you reward people who don't have accidents by giving them lower insurance rates?

Mr. LIEBOWITZ. Fortunately, and I hope it continues, I know I have gotten a reduction in my rate and others have, too, with a good accident record. I don't think it comes by State law, although I think it is approved of by the State insurance department. It comes through the companies themselves, I believe.

Mr. MACDONALD. We have an insurance commissioner who establishes rates for various cities and towns in Massachusetts and the Commonwealth, but not to individuals. If you live in a certain area you have to pay a certain amount, whether or not you have had an accident or not. It has always seemed to me rather unfair for a safe driver from an area where the incidence of accidents is high is not rewarded for his lack of having accidents.

Mr. LIEBOWITZ. We have the same differentials in the different communities. In Brooklyn, I think we have probably one of the highest rates, in the Borough of Brooklyn.

Mr. MACDONALD. Once again I would like to compliment you.

I yield to my colleague from New York.

Mr. MURPHY. Senator, in discussing the GSA standards, did the automobile manufacturers say that they would lose the identity of their individual models or vehicles?

Mr. LIEBOWITZ. I have never heard that said by them, and I don't think it is possible. I don't think it is possible. You take a hook that is on the car, the metallic hook I just pointed out. Why would there be much difficulty in having a plastic hook there? How would that affect design? How would the recessed dashboard affect design? How would the padding of the visor affect design? How would the seat belt affect design?

Mr. MURPHY. We would still have our panthers and pussycats on the road?

Mr. LIEBOWITZ. I think this is healthy. I think otherwise we would eliminate the competition. I think there should be an appeal to the public. But I think the public now, because of the work of committees of this kind, are becoming aware of the need for safety, and I think safety plus appearance will be the keystone of the purchase of an automobile in the future.

Mr. MURPHY. Senator, did your committee get into electronic controls on highways as far as spacing and speed of vehicles, automatic controls of vehicles?

Mr. LIEBOWITZ. No, we did not. We had so much to do we just couldn't make it. As a matter of fact, I have practically given up my law practice, although I haven't gotten to the book yet, but this

is an intriguing subject and one of the most important subjects before the committee today.

Mr. MURPHY. I had in mind a vehicle not too long ago that was completely automatically controlled, where the radius of curve, the slope of the roadbed, the wind velocity of the wind at the time, the seismographic readings, so far as earthquakes are concerned, the slowing of the vehicle going through tunnels and other things, were automatically taken care of, and the vehicle driver sat there with a brake in one hand and the accelerator in the other. The entire thing was completely controlled.

I think he was pretty safe. He only took control of the vehicle when he got down to 5 miles per hour.

Mr. LIEBOWITZ. You are young enough to see that come through. I don't know whether I am.

Mr. MURPHY. Senator, I want to congratulate you on your testimony before the committee and urge that before you come down the next time that you become an author and we will be sure to get you on in the morning session.

Mr. LIEBOWITZ. I don't know. I wouldn't want to be subjected to bitter cross-examination. I may wait until after that.

Mr. MURPHY. I yield back to Mr. Macdonald the balance of his time.

Mr. MACDONALD. I may have time for one quick question.

That question is, How effective do you think the State legislative process has been in bringing safety to New York?

Mr. LIEBOWITZ. I think it has done an excellent job. I don't say this by way of conceit, but I think we started the ball rolling, I really do. We started with the prototype automobile. We have had this legislation in for dual braking, padded dashboards and instrument panels, we have had many things in the hopper for many years and have held a lot of public hearings.

We have focused a lot of attention on this problem, but we are handicapped, I think States are handicapped, and I think the National Government must do something to accelerate the solution of this problem.

Mr. MACDONALD. Thank you.

I will yield to Mr. Friedel.

Mr. FRIEDEL. Just a brief question.

Did your committee recommend directional signals on cars?

Mr. LIEBOWITZ. We have passed the bill. We have that. It is part of our New York State law.

Mr. FRIEDEL. I notice in Maryland a lot of taxicab companies buy stripped cars. They don't have directional signals or backup lights.

Mr. LIEBOWITZ. This would be impossible in New York.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Mr. Cunningham.

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

I again want to congratulate the senator because, based upon deaths per 100 million vehicle miles traveled New York State ranks 12th out of all of the States in the Union, and I think that is quite a tribute to New York State.

I noticed in your testimony you have a pretty good grasp of this whole situation, and that is refreshing.

There is one thing more I wanted to ask: You say in your statement on page 2, when you are talking about the 17 safety features that the Government has required, that adoption of the 17 safety features would go a long way in drastically reducing the highway toll.

Do you have any figures that would indicate that these features have reduced the death toll?

Mr. LIEBOWITZ. Do you mean particularly with reference to the Federal Government's operations?

Mr. CUNNINGHAM. Yes.

Mr. LIEBOWITZ. I couldn't have them, certainly, if you couldn't get them.

Mr. CUNNINGHAM. They have certain safety features that are required by the Government. Have they decreased accidents on the Federal scene?

Mr. LIEBOWITZ. If you couldn't get the figures, I assume as a Congressman, if you couldn't get them, I certainly could not get them. But we do have facts to support the theory. We have factual information, rather, to support the philosophy that it will reduce the severity of the accidents, the fatalities. Perhaps not the accident itself, except in those operational defects that we talked about.

Mr. CUNNINGHAM. I would like to have that information.

Mr. LIEBOWITZ. If you will look at my report, and I am sure it is available to you, Professor Rhine, who has no axe to grind whatsoever, I assure you, a professor in Minnesota who has gone into this subject, and other people with technical knowledge, who has studied this, along with Dr. Gikes, I think they have definitely shown this.

Mr. CUNNINGHAM. With your long experience in this field, you know the causes of the accidents should pinpoint what should be done about them.

Mr. LIEBOWITZ. I know of two lives that I know of recently, two young men, which would have been saved if they had utilized the safety belt in the car.

Mr. CUNNINGHAM. We have what we call high accident locations, and when we have that, our traffic engineers do something about it. You recognize that.

Mr. LIEBOWITZ. Surely. I don't say they are not an important part of this thing. I am not decrying or minimizing the significance of traffic safety, traffic safety education. I know that question was asked today. I think that is a very important thing.

Mr. CUNNINGHAM. Getting back to the Federal fleet, I asked Secretary Connor about that, and it was amazing to hear him say that they have no reporting system. That is in the record.

Mr. LIEBOWITZ. I am certainly not the man for you to talk to about that.

Mr. CUNNINGHAM. No, I know you are not, but you mentioned the 17 safety features and that they would go a long way in solving the problem.

Mr. LIEBOWITZ. Isn't it simple—

Mr. CUNNINGHAM. Excuse me. You can't know whether these are working or not unless you have a reporting system, and the Federal Government itself doesn't have it.

Mr. LIEBOWITZ. I don't know that that is completely true. Isn't it simple to know that if the steering wheel isn't collapsible or padded and

it pierces the chest of a person, that the severity of his injury has been increased? Isn't it simple to know that when a child is in an automobile and hits the metallic radio knob, and that knob becomes lodged in the child's brain and the child dies as a result of it—isn't it simple to know that if these things were padded and recessed we wouldn't have as many severe accidents? That is the point.

Mr. CUNNINGHAM. The only thing is, there are no statistics that support that.

Mr. LIEBOWITZ. Life isn't made up of statistics, sir.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Are there any other members who desire to be heard for a second round?

If not, thank you very much.

Mr. LIEBOWITZ. Thank you.

Mr. ROGERS of Texas. Our next witness is Mr. William I. Stieglitz.

STATEMENT OF WILLIAM I. STIEGLITZ, OF WILLIAM I. STIEGLITZ ASSOCIATES, CONSULTANTS IN AVIATION AND AUTOMOTIVE SAFETY

Mr. STIEGLITZ. Thank you, Mr. Chairman and members of the Committee on Interstate and Foreign Commerce. I consider it a privilege to have the opportunity to appear here today.

I wish to express my appreciation to the committee for this opportunity. I am William I. Stieglitz, a member of the firm of William I. Stieglitz Associates. We are consultants in aviation and automotive safety.

I am an engineer. I hold the degree of bachelor of science in aeronautical engineering from the Massachusetts Institute of Technology, which I received in 1932. Since 1946 I have specialized in safety and reliability engineering, accident prevention, crash injury prevention, and accident investigation.

I have in the past served as a technical consultant to the New York State Joint Legislative Committee on Motor Vehicles and Traffic Safety. At the present time my firm has a contract as consultants to the State of New York, Department of Motor Vehicles.

Mr. ROGERS of Texas. Mr. Stieglitz, your statement is a rather long statement. Without objection, it can be inserted into the record, if you like, in full.

Mr. STIEGLITZ. I would like to do that. I have no intention of reading the statement.

Mr. ROGERS of Texas. We would appreciate if you could summarize it for us.

Mr. STIEGLITZ. I thought perhaps my background would be of interest to the committee. I have no intention of reading the statement.

Mr. ROGERS of Texas. Without objection, your full statement will be included in the record. You may proceed to summarize it.

Mr. STIEGLITZ. Thank you.

In summary, I think there is no question of the need for Federal standards on motor vehicles covering both accident prevention and crash injury prevention. I believe the standards must be mandatory.

We cannot rely on voluntary standards, nor can we wait for 4 or 5 years to have standards become effective. The problem is with us

now. It is getting more severe every year, and I think we must take action now.

My comments are going to be devoted primarily to the aspects of the bill dealing with vehicle standards. It is not that I do not believe that the highway, the driver and the other aspects are important, but I feel that my own experience, my own competence, has been primarily in vehicle design, and therefore, I feel this is the area to which I should devote my attention.

It has been frequently charged lately that the critics of the automobile are trying to blame all accidents on the vehicle. Personally, I don't know who these critics are. I have not heard or read any such statement. But if there are such critics, I want it clearly understood that I am not one of them.

I do not believe that the automobile causes all accidents. On the other hand, neither do I believe that the driver does or the highway does. These three elements act together in an environment. They are interrelated. Any time any one of them is incompatible with the other two an accident results.

This is where the role of automobile design comes in. When the automobile conflicts with basic human characteristics, when it places demands on the human operator that conflict with normal habit patterns, or with basic responses and reflexes, and there is an accident, even though the driver made a mistake and precipitated the accident, the automobile is causally related to that accident.

It is the type of thing that in aviation is referred to as design-induced pilot error. These things exist in automobiles. Our big step in automobile accident prevention and safety must be to get these out, to make the car easier for the average person to drive, to make it more difficult for him to make a mistake, and then by sound crash injury measures minimize the consequences when he does make a mistake.

This can be done. I have investigated aircraft accidents, and one in particular I want to refer to. It was of a fighter aircraft which, on takeoff, at a speed of around 175 to 190 miles an hour, went nose first into a 6-foot-high earth embankment.

The airplane cartwheeled, caught fire, and broke up. By the time the crash crew got to the scene, the pilot was out of the cockpit, had rolled on the ground to put out the fire in his flying suit, and was sitting watching the wreckage burn.

Except for burns, his only injury was a cut little finger. I have to admit we did not find out what caused the cut to his little finger. But we know he climbed out of that airplane alone. I suggest that if we can design a fighter airplane cockpit in which a man can crash into a 6-foot-high earth embankment at 175 miles an hour, we can protect the passenger of an automobile at 30 or 40 miles an hour.

We know how to do it, and I think we need standards and regulations to get it done.

There have been many arguments about the voluntary standards, about letting the industry do it. The administration bill proposes waiting 2 years to allow this to be done before the Federal Government even makes a start. This would be 2 years wasted.

The automobile industry, in my opinion, has proven by the record their inability or unwillingness to establish adequate standards. They

have worked for the last 2 years now as an advisory committee to the General Services Administration in setting up the standards for Federal automobiles.

These are standards that were developed by a Government agency with the advice of industry, and in my opinion they are woefully and totally inadequate to provide the level of safety they are intended to provide.

I will take up one example, the requirement on dash panels. Here is a case where we had research data performed by a Government agency, the Civil Aeromedical Research Institute of the Federal Aviation Agency, which had run a long series of tests. They were trying to determine the tolerance of the human head to impact in order to establish criteria for aircraft design.

In order to get the data, they used automobile dash panels, working in conjunction with the Oklahoma State Police. The agency is located in Oklahoma City. When there was an automobile accident in the Oklahoma City area in which there was head injury and a damaged dash panel, Mr. John Swearingen of the Agency was advised and the police furnished him with the dash panel.

They also got him the medical records of the injured. He then went out and from salvage yards bought undamaged panels from the same make and model of car and set them up in a laboratory under controlled conditions to reproduce the damage.

These data were furnished to the GSA in March of 1965, with the recommendation that the impact force on the dash panel should not exceed 40 g. at 44 feet per second, which is 30 miles per hour. When this was proposed by GSA at a meeting held in May of 1965 the industry contended they could not possibly meet this standard in time for 1967 cars.

Instead, according to the minutes of the meeting, they proposed the standard be written around the dash panels then being produced. After further meetings with industry, the standard as published permits 80 g. at 20 feet per second, in other words twice the load recommended by the FAA at half of the speed.

This was the advice of the industry. If they come up with something like this in advising a Government bureau, what are they going to come up with on their own? How can we trust them to come up with sound data? What are they going to arrive at? In November of this year they announced again in a meeting that for 1968 cars they could not improve on the standards for 1967 cars.

In other words, we now have a proposed standard for 1968 cars which, on the industry's recommendation, is written around what they had in 1965 cars.

We have improved nothing. We have applied a label, we have spread some whitewash, we have said, now it is safe. But we have not changed a thing.

We cannot get safety this way, gentlemen. We cannot protect people by just giving a blessing to what already exists, and which we know hurts people or kills people. There is no reason we cannot write these standards. It is argued that standards stultify progress. Gentlemen, we have had standards on design of aircraft, Federal standards, that have been in existence since the Air Commerce Act of 1926.

I ask any of you to look at the present day air transport and compare it to what we had flying in 1926. If this is stultifying—stultification of progress maybe this is what we need in the automobile industry. The general aviation airplane has progressed the same way. The present law, incidentally, which was acted upon by this committee and passed in 1958, does not say that the administrator may establish standards.

It says he is empowered and it shall be his duty to establish standards. I don't think anyone would propose that that law should be rewritten to say that the administrator at his discretion may write standards or may revoke them all.

Why should we in automobiles? We kill almost 50 times as many people in automobiles as we do in airplanes.

The other argument is that we don't know enough to write standards today. Gentlemen, this is not true. I admit we probably cannot write perfect standards today in all phases of automobile safety in which we need them. But we will never reach that stage.

Man has never done anything perfect in history. We cannot wait for ultimate answers. Research is a continuing, endless process. We always learn something new. There is always a new program being started or a program in process. If we always wait for the results of the next bit of research, we never do anything.

The medical profession does not wait until it has an ultimate, absolute, perfect cure for a disease before it uses the remedies that it has at hand. On dash panels, we have the data I spoke of from the FAA. The FAA report, incidentally, was given the Metropolitan Award by the National Safety Council last fall as the outstanding research report in the field of safety published during the year.

Yet the industry says that this isn't enough, that we have to run more research, that we need more data. GSA has given a contract to Wayne State University practically to repeat this work. Meanwhile we say that until we know the results of this program, it is perfectly all right to subject people to twice as high a load as the existing data shows is safe.

I will not subscribe to the philosophy that for a standard to be good it must permit subjecting people to the maximum load they can endure. If we don't know whether it is 40 or 80, and we design to 40, we are not going to kill anybody. But if the limit is 40 and we design to 80, we are going to kill them. We are looking for safety. We don't need ultimate answers.

There are many, many areas that I can enumerate, which I have covered in my statement, where there are ample data.

On brakes, I know of tests on two automobiles, 1965 cars, driven by professional test drivers, in an emergency stop from 60 miles an hour. One of them stopped in 138 feet and the other one took 238 feet. There is no excuse for this.

The question was raised on how I would write a standard. This is a good example and it would not dictate a thing in design. The limiting thing in stopping an automobile is the friction of the tires on the pavement and we know what that is. All I would do, is say that the braking system of a car must be adequate to develop the full available coefficient of friction of the tires, relating that to stopping distance, and be able to stop the car in a straight line.

This is all it takes. One manufacturer did it and the others can. It is within the state of the art. We don't need research. All we need is a standard, and to make sure that people comply with it.

We have, as I said, ample data to permit this.

Mr. MACDONALD. Could I ask a question at this point?

On page 14 you say, reference was made previously to the research work done at the Research Institute of the Federal Aviation Agency on the tolerance of the human face to impact.

You also add the fact that the results of this research are not being applied to automobile safety.

While I am 100 percent in accord with you that we should have a strong bill about automotive safety, I don't quite get the relevance of that. We are not going to test the human body to see how much impact it can absorb. Specifically, how would you put the results of this test into legislation concerning an automobile?

Mr. STIEGLITZ. I would not put it into legislation, sir. This is the type of thing that must be handled by the administration in establishing the standards. The reason for bringing it up here in my statement is the fact that the argument has been advanced that we can't write standards now, that we need 3 or 4 or 5 years, according to people, for research to find out a basis for writing the standards.

I refer to this Mr. Macdonald, purely as an example of a case where the research has been done, and the data are available.

Mr. MACDONALD. The research does not go to the automobile industry. It goes to how much impact a human body can stand. Therefore, I would think it was completely irrelevant. If it is not, I wish you would point out where this is relevant.

Mr. STIEGLITZ. Because what this now says is that you have to design an instrument panel so that in tests with a block—you don't test it with a human being—with a given impact velocity the loads do not exceed those which are tolerable for the head.

This is a criterion for testing and for designing the panel to absorb the energy.

Mr. MACDONALD. If you were a legislator with the duty of coming up with a bill, how could you translate what a human body can stand by way of impact into legislation?

Mr. STIEGLITZ. I don't think you should, sir.

Mr. MACDONALD. Then why do you discuss it?

Mr. STIEGLITZ. I discuss this merely as an indication of a case where there are sufficient data for writing standards now, so that the committee does not feel that it can't write a bill which says the Secretary shall develop standards within the next year because there are not enough data to permit doing something.

I am merely using this as an example of a case where there are adequate data on which the Secretary of Transportation or the Secretary of Commerce, whoever is entrusted with the law, could write a firm, valid standard. That is all.

Mr. ROGERS of Texas. Are you about through with your statement, Mr. Stieglitz?

Mr. STIEGLITZ. I would like very briefly to touch on one or two other points, if I may.

I wanted to mention the differences between Congressman Mackay's bill and the administration bill on the organizational setup. The

administration bill calls for placing it within the Department of Transportation.

If that legislation is passed, I should certainly prefer seeing this activity in the Department of Transportation than in the Department of Commerce. I think it is advisable that it be given identity as called for in Congressman Mackay's bill.

Looking back at the history of the CAA, in and out of the Department of Commerce, if there is not a Department of Transportation, there is a question whether it should be in the Department of Commerce or be an independent agency.

The other thing is that I feel we need in this act a provision for definite provision for training in accident investigation. We need competent investigation to provide adequate information on causes of both accidents and injuries.

Accident investigation is a highly skilled occupation.

You cannot take just the average policeman and send him out to investigate an accident and expect to get a valid report. I think there should be firm provisions in the bill for the Federal Government, in conjunction with the States, to establish a training program in accident investigation techniques.

Thank you.

(The full statement of Mr. Stieglitz follows:)

STATEMENT BY WILLIAM I. STIEGLITZ OF WILLIAM I. STIEGLITZ ASSOCIATES

Representative Staggers and Members of the Committee on Interstate and Foreign Commerce:

I appreciate the opportunity of appearing before you to testify in favor of the establishment of Federal motor vehicle safety standards.

My name is William I. Stieglitz. I am a member of the firm of William I. Stieglitz Associates, consultants in aviation and automobile safety. I am an engineer, with a degree of B.S. in Aeronautical Engineering from the Massachusetts Institute of Technology, which I received in 1932. For the past twenty years, I have specialized in safety and reliability engineering, including accident prevention and investigation, and crash injury protection. I have worked closely with the Federal Aviation Agency, and with the Bureau of Safety of the Civil Aeronautics Board, and have served as consultant to both of these organizations. I have also served in the past as a technical consultant to the Joint Legislative Committee on Motor Vehicles and Traffic Safety of the State of New York, and at the present time my firm has a contract as consultants to the Department of Motor Vehicles of the State of New York. In 1959, I had the privilege of testifying before the Subcommittee on Health and Safety of this Committee, in favor of H.R. 1341, which was enacted in 1964 as Public Law No. 88-515, calling for safety standards for automobiles purchased by the Federal Government.

My remarks today will be addressed to bills H.R. 12548 and H.R. 13228, and will be limited to those aspects of the bills which I believe fall within the areas of my experience and competence. There is, in my opinion, no question as to the need for Federal safety standards for motor vehicles, covering both accident prevention and crash injury protection. Such standards, to be effective, should be mandatory and should be established as soon as possible.

We cannot rely on voluntary standards or on discretionary authority, nor can we wait four or five years for standards to become effective. The problem is with us now, and is growing worse each year. We have the technical knowledge now on which to base sound standards in many areas.

Spokesmen for the automobile industry charge that the critics of the industry blame all accidents on the automobile. I do not know who these critics are; I have not heard or read any such statements. If there are such critics, however, I am not one of them. I do not believe that the automobile is responsible for all accidents, but neither do I believe that drivers or roads cause all accidents. All three are involved, not independently but in their interaction

with each other. When any one is incompatible with the other two, accidents result. When the design features of an automobile interfere with its being driven properly, or conflict with human characteristics, such as reflexes or normal habit patterns, the car is causally related to any accident that results.

Mr. Rex Whitten, Federal Highway Administrator, Bureau of Public Roads, said last year, "It would appear that the majority of drivers most of the time are performing as well as we can reasonably expect. Much too often the driver faces a combination of road and traffic situations, and vehicle operation requirements that is beyond the capacity of his senses and reflexes." Accident data cited by spokesmen of the Automobile Manufacturers Association show that 96 percent of the drivers are involved in 85 percent of all accidents. These are the ordinary, careful drivers who occasionally have accidents, not the reckless accident repeaters. If we are to achieve any real improvement in safety, we must help these drivers by eliminating features that induce errors, by making it more difficult for them to make mistakes, and by affording essential crash protection so as to make the consequences of their normal human mistakes less catastrophic.

As Dr. Ross McFarland said last year, in his speech of acceptance of the Arthur Williams Memorial Medal of the American Museum of Safety, "Any control or lever that is difficult to reach or operate, any instrument that is difficult to read, any seat that induces poor posture or discomfort, or any unnecessary obstruction to vision may contribute to an accident." Such contributing factors must be eliminated by improvement in the automobile. As I stated above, I believe there is need for mandatory standards and mandatory compliance. H.R. 13227, as written, merely provides for the establishment of standards at the discretion of the Secretary, after a two year wait for the industry to prepare voluntary standards. H.R. 12548 requires the establishment of standards, but makes compliance purely voluntary. Neither approach is adequate.

There is no other field of transportation in which there are not mandatory Federal safety standards, yet automobile accidents account for over 90 percent of transportation accident casualties. In aviation, there have been mandatory safety standards ever since the enactment of the original Air Commerce Act of 1926. The Federal Aviation Act of 1958 is very specific in its wording, and states in Title VI, Section 601(a) that "the Administrator is empowered and it shall be his duty" to prescribe such minimum safety standards as may be required in the interests of safety. The Act further states that standards shall be established governing design, material, workmanship, construction and performance of aircraft, and governing appliances. I do not believe that anyone would propose that the language of this bill be revised to make the establishment of standards discretionary with the Administrator, or give him discretionary power to revoke any and all standards, as proposed in H.R. 13228. Yet in 1965 the total number of fatalities in civil aviation was slightly over 1000, as compared to almost 50,000 in automobile accidents. While there are more people using automobiles than there are flying, a concern for public safety must take into consideration the total number of lives involved.

The record of the role of the industry in the development of standards issued by the General Services Administration for automobiles purchased by the Federal Government, and the many cases of non-compliance by automobile manufacturers with industry standards, such as those of the Society of Automotive Engineers, offers little hope of any real improvement in safety through voluntary action.

Considering first the General Services Administration standards, many of those issued last year for 1967 cars, and those now proposed for 1968 cars, are woefully inadequate. These are standards that have been developed by a government agency with the advice of industry. The standard for energy absorbing dash panels illustrates what this advice has been, and the inadequacy of the standards that have resulted.

That standard as adopted last year stated that in tests with a dummy the deceleration of the head should not exceed a maximum value of 80 g's when striking the panel at a velocity of 22 feet per second (15 miles per hour). These same figures are contained in the proposed standard for 1968 automobiles, as published in the Federal Register of Tuesday, March 8, 1966, Part III.

Prior to the adoption of this standard, an extensive research program had been conducted at the Aeromedical Research Institute of the Federal Aviation

Agency, to determine the tolerance of the human head to impact, in order to establish criteria for use in airplane design. This program was conducted by Mr. John Swearingen, who used automobile dash panels and automobile accident data in his tests because of the greater availability of the material. Working with the Oklahoma State Police, he obtained dash panels that had been struck by occupants' heads, and also the medical history of the accident victims. He then obtained identical, undamaged dash panels from automobile salvage yards. Under controlled laboratory conditions, he reproduced the damage that had occurred in the accidents, and correlated the impact deceleration with the injury patterns.

Based on these tests, Mr. Swearingen recommended in a letter to the General Services Administration, in March 1965, that the permissible impact deceleration should not exceed 40 g's, at an impact speed of 44 feet per second (30 miles per hour). He also submitted with his letter the actual curves of over thirty of his tests, identifying the automobiles by make and model. The G.S.A., at a meeting in May, 1965, proposed a standard corresponding to Mr. Swearingen's recommendation. The automobile manufacturers objected to such a standard, claiming that they could not comply with it in time for 1967 models, and advising, according to the official minutes of the meeting, that the standard "be written around the type of instrument panel now available." In other words, the industry advice was that a standard be adopted endorsing the status quo, with no improvement in safety. The final result, after further discussions with the industry, was the standard issued on 30 June 1965, permitting 80 g's at 22 feet per second, that is, twice the impact force recommended by Mr. Swearingen, at one-half the speed.

The results of Mr. Swearingen's tests were published in Federal Aviation Report AM 65-20, "Tolerance of the Human Face to Crash Impact," dated July 1965. This report was later selected by the National Safety Council for the 1965 Metropolitan Award, as the outstanding research report in the field of safety published during the year.

In the published report, Mr. Swearingen stated that blows in excess of 30 g's produced unconsciousness for periods ranging from fifteen minutes to two hours, with or without fracture. Doctors with whom I have discussed this say that such periods of unconsciousness probably indicate a concussion, and possible permanent brain damage. Despite this, at a meeting held by the General Services Administration in November 1965, industry spokesmen again said they could not meet any decrease in the impact forces below those of last year's standards in time for 1968 models. In other words, they could do no better in 1968 than they did in 1967, or they had been doing in 1965 and 1966. This claim, incidentally, is made despite the fact that in Mr. Swearingen's tests, unpadded panels from automobiles as early as 1954 models produced lower impact forces than those permitted by these standards. In other words, the position of the industry is that for 1968 models they cannot produce a padded panel having as high a level of energy absorption as an unpadded panel in a 1954 model.

It is my opinion that this negative attitude, the lack of any improvement between 1967 and 1968 models, and the suggestion that standards should be written around existing practices, clearly demonstrate that little, if any, improvement in safety would result from a bill based on voluntary standards.

Many other examples of inadequacy exist in the G.S.A. standards, but the one cited above should be sufficient to illustrate the situation.

A further weakness in H.R. 13228 as written that there is no provision for the establishment of Federal standards where industry standards exist. Industry standards, such as those of the Society of Automotive Engineers are recommended practices, which may or may not be adhered to, at the discretion of the individual manufacturer. Front turn signal lights are required by many states as a safety measure, to warn oncoming cars of a driver's intention to turn. The S.A.E. standards call for a minimum area of 12 square inches. Very few cars meet this standard; neither do they comply with a specifications for brightness contained in the same standard. Furthermore, these standards are developed by industry with no impartial review of their adequacy. There is no objection to the use of industry standards where such standards exist and are adequate to the purpose. There is no need for the Federal Government to write new standards in such cases. It is, however, essential that compliance with such standards be mandatory, as in the case of Federal aviation standards. This can

be accomplished by a procedure similar to the Technical Standard Order system used by the Federal Aviation Agency. Under this system, existing government and industry standards are reviewed and a Technical Standard Order is issued listing those standards deemed to be satisfactory. Compliance, however, is mandatory; the manufacturer of an airplane must furnish evidence of compliance with pertinent standard orders to have his aircraft certificated.

Both H.R. 13228 and H.R. 12548 are inadequate as regards assurance of compliance with standards. Section 111 of H.R. 13228 requires the manufacturers to maintain records which may be examined, and authorizes the Secretary to examine these records, and to conduct testing and inspection, but does not require him to do so. H.R. 12548 is even weaker in this regard; the only provision touching on compliance is to give a manufacturer permission to label and advertise his car as meeting Federal safety standards if he desires to do so. This, it appears to me, puts compliance with safety standards on the basis that a manufacturer may offer the public safer cars if he considers it to his economic advantage to do so. If such an approach is to be followed, I should prefer a requirement that any manufacturer building a car that does not comply with the standards be required to label the car, and state in all advertisements, in large bold face type, "this automobile does not meet the Federal Safety Standards."

I do not, however, believe that labelling cars is a proper approach to assuring public safety. I believe that compliance with safety standards should be mandatory, and that demonstration of compliance by the manufacturer should be required before the automobile may be offered for sale.

Two main arguments have been advanced against mandatory standards; that they will stultify progress and that they will dictate design. As to the claim that standards would stultify progress, one need only look at the development that has taken place in aviation since the legislation calling for mandatory safety standards was enacted in 1926, to see how spurious the argument is. The first through coast-to-coast travel using aircraft was inaugurated in 1929. Passengers left New York at dinner time by train. The next morning, somewhere in the mid-west, they boarded a Ford trimotor, flew all day, and in the evening boarded a train again. The next morning they got on an airplane and flew to Los Angeles; the schedule was 48 hours. Thirty years later, in 1959, there was non-stop jet service taking little over five hours. Is this evidence that safety standards stultify progress? A similar but somewhat less dramatic comparison can be made in General Aviation airplanes. The present generation of private owner airplanes bears little resemblance to those of thirty years ago.

Properly written, safety standards should not and will not dictate design. The purpose of minimum standards is to define safety objectives; the means of achieving the objectives can, and should be, left to the designer, except in cases such as standardized location of controls, arrangement of gear shift quadrants, etc., where the safety objectives can be met only by uniformity.

The time table proposed in H.R. 13228 for making standards effective is not in keeping with the urgency of the problem. Under this bill as now written, Federal standards could not become effective in less than two and a half years, and need not be effective for four years or more. I say four years or more because the bill specifies that the Secretary may not determine the need for standards for at least two years, and that standards may become effective as long as two years after they are issued, but the bill does not specify how long the Secretary may take to establish and issue standards after determining the need for them. This could easily consume one to two years. Thus under the proposed provisions of H.R. 13228, the effective date for Federal safety standards could be as late as 1972 or 1973 models, even if the bill were passed immediately. It is my opinion that we cannot wait that long. We must start to improve the situation now. H.R. 12548, which would require the establishment of safety standards within six months, is more realistic, but unfortunately, as stated above, this bill lacks any requirement for compliance or enforcement.

The principal argument advanced against establishing standards now is that there are not sufficient data on which to base standards. This is not true. There are many areas in which there are ample data to permit writing standards now. It may be that the available data will not permit the drafting of perfect standards, but the present situation of having no standards is certainly not perfect, as demonstrated by over 49,000 fatalities and 1,800,000 disabling injuries last year.

It is probable that we will never have sufficient data to permit writing perfect standards. Man has never achieved perfection in any endeavor. We will

continue to learn more, and standards can be revised as knowledge grows, just as the standards in aviation have been revised. Research is a continuing process; waiting for end results is merely an excuse for doing nothing now.

Two main reasons are offered to support the claim of inadequate data. One, that there is no scientific proof that specific design features cause accidents; the other, that the results of research not specifically directed to the automobile are not applicable to automobile problems. The term "scientific proof" in the above context means statistical data. However, there are many times when statistics are not necessary. As Dr. A. L. Moseley, of the Harvard Medical School, stated at the 7th Stapp Car Crash Conference, "... one does not have to attempt to accumulate a random sample on the toxicity of potassium cyanide. A single case is ample to establish the phenomenon."

The refusal to accept and use research data from other technical disciplines has no rational basis. Despite repeated claims that no one outside of the automotive industry knows anything about automobiles, the automobile is not unique. It obeys the same basic physical laws as any other moving body. Furthermore, automobile drivers do not differ from airplane pilots, or army personnel, or test subjects in a laboratory, in their basic characteristics, the size of their bodies or the ability of their bodies to withstand impact forces. The fact that research was not specifically directed toward the automobile does not invalidate it, nor require that it be repeated.

Reference was made previously to the research work done at the Aeromedical Research Institute of the Federal Aviation Agency, on the tolerance of the human face to impact, and to the fact that results of this research are not being applied to automobile safety standards even by the General Services Administration. The automobile industry has challenged the conclusiveness of the results so strongly that the General Services Administration has given a contract to Wayne State University to conduct a similar program.

Meanwhile, we have data from a recognized Government laboratory that provide a sound basis for the establishment of standards now. There is no excuse for continuing to allow passengers in automobiles to be subjected to loads of twice the magnitude indicated as the tolerance limit by these data, while we do more research. There are other areas involving injury producing mechanisms in which the situation is similar. There are data on known safe forces. Perhaps the absolute tolerances are higher than some of these values, but I refuse to accept the philosophy that a standard must permit of subjecting people to the maximum forces they can endure. If there is to be error, let it be, for once, on the safe side. We are dealing with human lives and human suffering.

There is also ample knowledge to permit establishing valid standards today in many areas of potential accident prevention. For example, reference was made above to design features that induce driver error. One such error is that of a driver's inadvertently turning out the headlights when intending to close an air vent or push in a cigarette lighter. There are known cases of this having happened. Many aircraft accidents resulted from pilots using the wrong control knob, and it was found, through extensive Air Force and Navy Research, that such errors could be prevented by the use of standard locations for controls, and of distinctive coded knob shapes that could be identified by feel alone, even when the subject was wearing a heavy winter glove. Eleven knob shapes were developed which could be identified in this way, without error, by a large number of blindfolded subjects. This research was done in the 1940's, and the standard knob shapes which were developed were published in college text books as early as 1949, and in a report on motor vehicle design issued by the Harvard School of Public Health in 1953, yet these data have been rejected out of hand by the automobile industry as being irrelevant. There is the problem of brakes. In actual tests of two 1965 cars reported by Ocee Ritch, editor of Road Test magazine, one car required a 70 percent greater stopping distance than the other, under the same conditions. The car with the shorter stopping distance stopped in a straight line. The other required constant effort by a professional test driver to keep it from spinning out of control. There is no possible excuse for such variation. The limiting factor in stopping a car is the coefficient of friction of the tires on the pavement; we know what that is. The tendency of a car to swerve results from locking of the rear wheels because of improper balance of pressure between the front and rear brakes. We can write a standard right now. The braking system should be adequate to develop the full capability of the tires and to stop a car in a straight line. The fact that one car was capable of doing this proves that it can be done.

There is a wide variation in the force required on the brake pedal to stop a car. Data in Consumer Reports showed that in a 1966 Ford Galaxie with power assist disk brake option, only 3 pounds on the pedal is needed for a gentle stop, and 25 pounds on the pedal will skid the wheels, while on the standard Ford V8 without power brakes a 65 pound force is required for a normal stop. Just consider the driver owning these two cars and the difficulty he faces in applying proper braking when he switches back and forth between them. There are published test data to show that a 3 pound force is too low to be applied accurately by the average person, and even 25 pounds is too low in an emergency situation.

In case of loss of the power assist on the Galaxie, the force goes from 3 pounds to 240 pounds, beyond the capability of many people. A standard is needed that will specify both minimum and maximum forces, and there are published data to provide a basis for such standards.

There is the problem of glare and reflection in windshields.

Dr. Merrill Allen, of Indiana University, in a program sponsored by The American Optometric Foundation, has found that a reflectance of over 10 percent produces serious interference with vision. Most of the cars being produced at present by two of the three major manufacturers have less than 10 percent reflectance. One manufacturer, who apparently thinks that high gloss improves styling, insists on maintaining a reflectance close to 30 percent, and has argued for it so strongly that the G.S.A. standards permit this, but we have the necessary data on which to base a safe standard.

Many other examples can be given. There is the inadequacy of signal lights which do not comply with SAE standards and which violate the principles set forth in the National Bureau of Standards Handbook No. 95, "United States Standards for Colors for Signal Lights." There is the problem of the short driver who cannot see over the steering wheel or, in some cases, over the dash panel, without perching precariously on extra cushions. There is the problem of automobile stability. On these, and many other problems, we know enough to prescribe minimum standards.

There are unquestionably areas in which more data are needed before sound standards can be written, but this is no reason for not writing adequate standards now covering those problems on which we do have knowledge.

There have been reports in the newspapers of proposals to use the present General Services Administration standards as interim standards, applicable to all automobiles. In my opinion, this would be a serious mistake. As I have previously said, many of these standards are totally inadequate to provide any real level of safety. It is frequently claimed that safety standards would result in prohibitive increases in the cost of automobiles. Extra devices added to a finished automobile do add to costs. Adequate safety incorporated into the original design often does not. Considering some of the examples used previously, shape coded control knobs in standard locations would cost no more than knobs all of the same shape which are shifted from place to place every year. Dull non-reflective paint costs no more than high-gloss finish. An energy-absorbing instrument panel properly designed need cost no more to build than a rigid one that is lethal. All that is required is more careful engineering. Leaving off chrome trim that reflects the sun into drivers' eyes will not add to cost. Some things probably will increase costs, but on the other hand, the dollar cost of automobile accidents last year has been estimated at \$8.5 billion, or nearly \$1,000 for every automobile produced during the year.

H.R. 12548 proposes establishment of a National Traffic Safety Agency in the Department of Commerce, while H.R. 13228 would place the activity in the proposed Department of Transportation. If legislation establishing such a department is enacted, I think the latter the better approach, as I believe it would facilitate coordination of research effort and interchange of information between the automobile safety activity and agencies working in other fields of transportation, such as aviation.

If the Transportation Department is not established, and the traffic safety activity is placed in the Department of Commerce, I think separate identification of the National Traffic Safety Agency would be highly desirable, to keep it from being submerged in other functions of the Department.

There are two provisions in H.R. 12548 which are not included in H.R. 13228, and which I believe should be incorporated in the final bill. The first is the requirement of an annual report to Congress. I believe this is essential in order that Congress and the public may know of progress being made in this program.

The second is the transfer of the motor vehicle safety function from the General Services Administration to the Traffic Safety Agency. There could be no justification for different sets of standards for vehicles owned by the Federal Government and those offered to the general public.

Neither bill deals adequately with accident investigation, the only reference to this subject being in general terms in Title III of H.R. 13228. In order that we may have continued progress in safety, we need more accurate data on accident cause factors, which can be obtained only from better accident investigation. There is a need for a body of investigators trained in the special techniques of this field of endeavor. It is therefore believed that provision should be included in the final bill for a program of training in accident investigation, either by the Federal Government or in conjunction with the States.

In summary, I am fully in accord with the intent of the proposed traffic safety bills. However, the following recommendations are respectfully submitted:

1. Establishment of Federal safety standards for motor vehicles and provisions for assurance of compliance should be made mandatory.

2. Standards should be established as soon as possible; it is suggested that the bills require the promulgation of standards not later than 1 July following passage, to be effective at the latest on vehicles of the model year introduced in the calendar year after adoption.

3. Specific provisions be added for training in accident investigation, either by the Federal Government or in conjunction with the States.

4. There be a requirement for an annual report to the President and the Congress, as proposed in H.R. 12548.

Mr. ROGERS of Texas. Mr. Younger.

Mr. YOUNGER. Could you furnish us with any of the standards that you have in mind?

Mr. STIEGLITZ. I don't think I would be thoroughly competent to do so, sir.

Mr. YOUNGER. Could you furnish what you can for the committee?

Mr. STIEGLITZ. Yes, sir.

(The information requested appears on p. 909.)

Mr. YOUNGER. Thank you.

Mr. ROGERS of Texas. Mr. Pickle.

Mr. PICKLE. No questions, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Cunningham.

Mr. CUNNINGHAM. Thank you, Mr. Chairman. I think the witness has given very worthwhile information.

There has been testimony here that some automobiles have been withdrawn and taken back to the factory for changes. Isn't that same thing true in the aircraft industry?

Mr. STIEGLITZ. Yes, sir.

Mr. CUNNINGHAM. Haven't some models of airplanes been grounded?

Mr. STIEGLITZ. Yes, sir.

Mr. CUNNINGHAM. It is also true that in 1963, 1,294 people were killed in aircraft accidents; is that right?

Mr. STIEGLITZ. It is approximately that. It runs slightly over 1,000 per year.

Mr. CUNNINGHAM. Do you have any suggestions as to how these can be prevented?

Mr. STIEGLITZ. There are a good many ways, sir. There is a great deal of work going on. In fact, I am working right now as a consultant to the Civil Aeronautics Board on a study of general aviation accidents, to try to get more information which will be constructive in this way.

There is work going on in this field all the time. Not only in Government but in industry, in the manufacturing plants, there is a constant effort being made to improve the level of safety. I do not think it is perfect. I do not think that safety standards will make the automobile perfect.

I do not think we will prevent all accidents. But after all, Mr. Cunningham, man has been walking for over 100,000 years and has not yet mastered that simple mode of transportation to the point where it is completely accident free. I don't think we will succeed in anything as complex as this.

Mr. CUNNINGHAM. You don't have any suggestions for improving man, do you?

Mr. STIEGLITZ. No, sir. I have not even figured out how we can get an annual model change in man.

Mr. CUNNINGHAM. I believe you said you are an aeronautical engineer with a degree?

Mr. STIEGLITZ. Yes, sir.

Mr. CUNNINGHAM. And yours is a private organization.

Do you know of any improvements you would like to see in aircraft? so that we can prevent these aircraft crashes?

Do you know of any improvements you would like to see in aircraft?

Mr. CUNNINGHAM. Both public and private. We have these crashes and I cited the figures. You are an aeronautical engineer. Are there things that you think ought to be done that are not now being done in the building of those planes?

Mr. STIEGLITZ. I think we keep learning. The problem we have with many aircraft, unfortunately, is that the airplane is a comparatively long-life item. We have many airplanes that fly for 10 or 20 years or more. It is never feasible to go back and apply the latest state of the art to every airplane that is in existence.

The record shows that many accidents, unfortunately, are happening to older airplane types. There is a highly significant statistical difference in the frequency of accidents between the newer airplane types and the older ones.

In other words, we have learned and we have improved but we can't go back and we can't outlaw and throw out all the old airplanes. We cannot redesign and rebuild them all.

We have this mixture from which we are drawing our statistics.

Mr. CUNNINGHAM. I understand that, sir.

If an airplane were built today and you as an engineer in that field felt that every safety feature was built into that plane, would that eliminate all airplane accidents?

Mr. STIEGLITZ. No, sir.

Mr. CUNNINGHAM. In other words, there is a human factor involved.

Mr. STIEGLITZ. It would not even prevent all the accidents resulting from design, sir.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Mr. Mackay.

I think Mr. Macdonald wants you to yield.

Mr. MACDONALD. Would you yield for a short question?

Mr. MACKAY. I will yield.

Mr. MACDONALD. I want to get clear in my own mind and the record, too, when we have been discussing deaths on the highway, the figures that have been used, and the ones used in your statement, they deal with the U.S. deaths on the highways, here in the United States?

Mr. STIEGLITZ. Yes, sir.

Mr. MACDONALD. When you answered Mr. Cunningham's question concerning deaths resulting from airplane crashes, you said 1,000 people were killed yearly?

Mr. STIEGLITZ. Yes, sir; in the United States.

Mr. MACDONALD. This is in the United States and not worldwide?

Mr. STIEGLITZ. No, sir. But this is all types of flying, private flying, crop dusting, general aviation, as well as airline. This is the total picture in civil aviation.

Mr. MACDONALD. Thank you.

Mr. MACKAY. I want to thank you for appearing and I think what you have had to say has been very illuminating.

When the representatives of the auto manufacturers were before us, I asked them to submit what they considered to be safety standards. Semantically we did not tie down what we mean, what is a standard and how do we illustrate the standards.

Dr. Gikas said he would work up such a list.

You have said what Dr. Gikas said and that is that the automobile industry has been strong in the GSA forum, that they opposed many things that Dr. Gikas thought were important safety standards.

Mr. STIEGLITZ. Yes, sir.

Mr. MACKAY. I would find it helpful, I believe, for you to try to work up a rough list of what you think are apparent safeguards now, and then, based on your knowledge, compare that with whatever list the automotive manufacturers come up with. Would you be willing to do that?

Mr. STIEGLITZ. Yes, sir. I have also, and would be glad to furnish to the committee if you desire, submitted written comments and analysis on the GSA standards.

If the committee desires, I would be glad to send them copies.

Mr. MACKAY. Thank you very much, Mr. Chairman, I would request that.

I have no further questions.

(The information requested follows:)

TYPICAL PROPOSED AUTOMOBILE SAFETY STANDARDS

1. DASH PANEL

All portions of the dash panel within the range of the head of any occupant of a seated height equal to or less than 38.2 inches, corresponding to the 95th percentile male driver, shall have sufficient energy absorbing capability to limit the impact deceleration to no more than 30 g's, at an impact speed of 44 feet per second (30 miles per hour). This requirement shall apply to all surfaces, horizontal or vertical, in the impact area, and all such surfaces shall be free from rigid or sharp-edged moldings and rigid reinforcements, and shall be covered with energy absorbing padding not less than one inch thick, and shall be free of rigid projecting knobs or levers.

With the seat at the extremes of its adjustment, the impact area shall be determined on the basis of the occupants' being seated not less than 3 inches forward of normal sitting position against the seat back, to allow for belt stretch.

2. BRAKING CAPACITY

All motor vehicles shall be capable of stopping on a dry concrete pavement in a distance of not more than 160 feet, from a speed of 60 miles per hour, and shall stop in a straight line without corrective steering wheel action. In order to guarantee against brake fade, this requirement shall be met in 10 consecutive stops.

3. BRAKE PEDAL FORCES

The pedal forces required to stop the vehicle with a mean deceleration of $\frac{1}{2} g$ shall not be less than 25 pounds, and shall not exceed 150 pounds under any circumstances, including failure of a power assist system, if provided, or during 10 consecutive stops from 60 miles per hour.

4. REAR SIGNAL LIGHTS

All rear signal lights, including both stop and turn signals, shall be independent of the rear running lights (tail lights), and of each other, and shall be clearly distinguishable from other rear lights. The arrangement and color of lights shall conform to the recommendations of the National Bureau of Standards Handbook No. 95, "U.S. Standards for the Color of Signal Lights."

COMMENTS ON PROPOSED REVISED FEDERAL STANDARD No. 515

(March 15, 1966)

INTRODUCTION

The following comments are submitted on the proposed revised Federal Standard No. 515, "Standard Safety Devices for Automotive Vehicles." These comments are in general based on the draft proposal used for discussion at the meeting of February 2, 3, and 4, 1966, but are applicable to the proposed standard as published, except as the published version may have incorporated revisions recommended here.

Fed. Std. 515/1a

S2: The limitation of application of these standards to busses designated as school busses is a definite reduction in scope from the standards adopted last year, which excluded only those busses that are without built-in padded headrests. Even this exclusion was objected to by many people, including the undersigned, at the meeting on 19 May 1965. It is difficult to see any justification for now excluding all busses but school busses.

S3.2.3.2.1: The reduction in the strength of anchorages to 1500 pounds for all seats except the driver's seat, for which the requirement is 2500 pounds, is not reasonable. It cannot be assumed that the weight of any passenger will not exceed 60 percent of the driver's weight, nor can it be assumed that there will be sufficient load attenuation to justify this large a reduction in anchorage strength. Certainly the loads on the seats immediately behind the driver's seat will not vary appreciably from those at the driver's seat, and load attenuation at seats further back will occur only if there is structural collapse of the passenger compartment, which certainly cannot be considered an acceptable situation.

S3.2.3.3: Design of seat attachments for twenty times the seat weight will not assure that the seat will remain attached to the structure in a 20 g crash. The vertical component of the belt pull causes an extremely high friction force between the occupant and the seat cushion during the forward motion of the occupant, which occurs as the result of belt stretch. In addition, the seat is subjected to impact loads from the occupant in the seat behind. This is true not only for unbelted occupants, in busses other than school busses or on folding jump seats which are excluded by Para. S2, but also for belted occupants, as shown in the article "Kinematic Behavior of the Human Body During Deceleration," by J. J. Swearingen et al., published in Aerospace Medicine in February 1962. This standard should be revised to include the effect of these additional loads.

Fed. Std. No. 515/2a

S3.1: The revision of this standard to include a range of seated height, in conjunction with the extreme range of seat adjustment, is a major improvement over

last year's standard. Nevertheless, the range of seated heights given is still inadequate. SAE standard J826 shows the "H" point as being 3.84 inches above seat level, so that the range of height of 33 inches to 29 inches above the "H" point corresponds to a range of seated height of 36.8 to 32.8 inches, as this dimension is given in anthropometric data. This covers a range from approximately the 75th percentile male driver to approximately the 25th percentile female driver, thus excluding 25 percent of the male driver population, 25 percent of the female drivers, and an undefinable number of children, who are frequent front seat passengers. Furthermore, no allowance is made in the standard as written for forward displacement of the occupant as the result of belt stretch. This can vary considerably, depending on the characteristics of the webbing material, but test data from various sources would indicate that an allowance of at least 3 inches is necessary. Allowing for this, the forward limit of the impact area required to be protected would not accommodate any male driver above approximately the 5th percentile, nor woman drivers over the 50th percentile.

It is recommended that this standard be re-written to define the impact area as the entire area between the hip nearest to the passenger and that point which would be struck by the 95th percentile male, with an allowance for a 3-inch forward motion of the hip point. This would correspond to a dimension of 34.4 inches from the "H" point to the top of the head, with a hip point 3 inches forward of its normal position, with the seat in full-forward position. The requirement should also be extended to include those areas on the vertical face of the panel which may be struck by the head of any passenger.

S3.2.1: The allowance of 80 g's at 22 feet per second impact velocity will not provide any meaningful protection. Federal Aviation Agency Report AM 65-20, "Tolerance of the Human Face to Crash Impact," dated July, 1965, states that blows to the face in excess of 30 g's produced unconsciousness for periods of from 15 minutes to two hours, with or without fracture. Medical experts with whom the undersigned has discussed this state that such a period of unconsciousness in all probability indicates the existence of a concussion. With such information available, a value of 80 g's is totally unacceptable.

Any statement by the automobile manufacturers that they cannot do better than the 80g requirement is not borne out by the facts. In the tests conducted by Mr. Swearingen, it was found, for example, that the unpadded panel of a 1954 Dodge showed a peak acceleration of only 50g's, and the load exceeded 40g's for only 5 milliseconds, at the 18.1 feet per second impact. Almost the same numbers apply to the tests of a 1959 Pontiac, also with an unpadded panel at the same speed. The unpadded panel of a 1955 Pontiac showed a maximum value of approximately 75g's at an impact velocity of 29.1 feet per second. It should certainly be possible for the manufacturers to provide a higher level of energy absorption with padded panels in 1968 models than they were able to provide with unpadded panels in 1954 models.

In addition to the above, the 22 feet per second velocity is too low. In a 20g crash the occupant's head will reach a speed of 22 feet per second during 4½ inches of forward motion, and will then continue to accelerate up to the speed of the vehicle. Therefore this standard offers no level of protection in any 20g crash with a car going faster than 15 miles per hour. It is therefore recommended, again, that this standard be re-written to require not more than 40g's at an impact velocity of 44 feet per second, and preferably only allow 30g's at this speed. No lesser standard will provide real safety.

Fed. Std. No. 515/3a

S3.1.1.

As the undersigned pointed out at the meeting of 19 May, 1965, the phrase "controls not essential to controlling a moving vehicle" is ambiguous and inadequate, and should be replaced by "controls not likely to be used by the driver of a moving vehicle." For example, a cigarette lighter or car radio cannot be considered as essential to controlling the vehicle; nevertheless, they are used frequently by a driver while the car is in motion.

S3.1.2.

As pointed out in the discussion of Standard 515/2a, Para. S3.1, the range of seated heights is considered inadequate. The range of seated heights should be revised as recommended in the comments on that standard.

S3.1.3.

During the meeting on May 19-20, 1965, medical experts objected to the 40 pound force which was proposed at that time. Despite this objection, the allow-

able force was increased to 90 pounds in the standards as issued, and this value has been retained. The allowable force should be reduced to an acceptable value.

Fed. Std. No. 515/4a

S3.2.

As was brought out by the undersigned in the meeting of 19 May, 1965, this requirement as written is virtually meaningless. The structure of the mannikin is not controlled, and the spring rate is measured only during the first $\frac{1}{2}$ inch of deflection, with no control of the variation of spring rate beyond that point. It would be possible to design a dummy that would permit compliance with the requirement of this paragraph, and have the dummy absorb 77 $\frac{1}{2}$ percent of the energy, while the steering wheel absorbed only 22 $\frac{1}{2}$ percent. This could be achieved with a 75 pound dummy with a constant spring rate of 600 pounds per inch. With such a dummy, the steering wheel could have a spring rate of over 2000 pounds per inch, and would deflect only 1.23 inches, while the chest of the dummy would deflect 4.17 inches. The contact area of the chest with the rim of the wheel is not controlled, and it is believed that serious injuries could result with a steering wheel which could meet the specifications under these conditions.

In addition, the 22 feet per second velocity is considered to be too low. As pointed out in the discussion of Standard No. 515/2a, Para. S3.2.1, this impact speed would be exceeded in any 20g crash at a vehicle speed above 15 miles per hour, if the driver is more than 4.5 inches from the steering wheel, which is quite likely with any driver who has the seat back of mid-position.

S3.4.

The report in the New York Times of 9 March indicates that the collision speed has been increased to 30 miles per hour from the 20 miles per hour given in the proposed draft. Even so, permitting a 5-inch rearward displacement of the steering column under these conditions is not adequate for driver protection. The recent announcement of a collapsible steering column to be installed in 1967 models of General Motors and American Motors Automobiles is proof that the industry can better these requirements. It seems almost unnecessary to point out that industry spokesmen, including the representative of General Motors, said last year that it would be impossible to do any better than the 5-inch displacement at 20 miles per hour for 1967 cars, although the collapsible steering column should have appreciably less displacement than this. There is no reason that all manufacturers cannot do better by 1968. In a letter dated 8 March, 1965, the undersigned recommended that the permissible rearward displacement should not exceed 2 inches at 30 miles per hour. It is again recommended that this standard be adopted.

Fed. Std. No. 515/6a

As pointed out in the discussion of Standard 515/1a, Para. S3.2.3.3, the requirement for seat anchorages able to resist only 20 times the weight of the seat is inadequate, as it does not allow for the forward load applied to the seat by the occupant as the result of the vertical component of the belt load and the forward motion of the occupant resulting from belt stretch, nor for the loads imposed on the seats by occupants of the rear seats. These latter loads must also be applied to the seat back frames.

S3.5.3.2.

As brought out in discussion of Standard 515/1a, Para. S3.2.3.2.1, the reduction of belt loads to 1500 pounds is not considered justifiable.

Fed. Std. No. 515/12a

S3.1.

The addition of a definition of the wiped area is an improvement in the standard, but the definition is not considered adequate. The use of a fixed, single eye level line would be valid only if vertical seat adjustment were provided, together with some reference mark to permit the driver to adjust the seat properly. The fixed value given of 28 inches from the "H" point corresponds to the eye line of approximately the 50th percentile male driver, and is above that for the 95th percentile female driver.

Fed. Std. No. 515/13a

S3.2.

The reduction in permissible specular gloss from 30 units to 15 units maximum is a definite improvement, although there is some question whether it is adequate even so.

S3.3.

The allowance of 30 percent luminous directional reflectance is excessive, as shown by a comparison to Standard 515/17a, Para. S3.3, which requires only 55 percent reflectance for a mirror. According to specialists in this field, the value should not exceed 10 percent. Paints are available that meet this requirement.

S3.6.

The addition of limitation on the specular gloss on the items called out in this section is a definite improvement in the standards. It is believed, however, that the limit in this case should be the same as that recommended for instrument panels in Para. S3.2.

Fed. Std. No. 515/17a

S3.1.2.

The requirement for the location of the mirror should be based on eye height, and not on seated height, and should be based on the 95th percentile male, not on the 75th percentile.

Fed. Std. No. 515/18

S3.

As brought out in previous discussion, the range of heights from 33 inches to 29 inches above the "H" point is not considered adequate. See discussion of Standard 515/2a, Para. S3.1.

Fed. Std. No. 515/19

S3.2.

The 90 pound allowable force is considered excessive. See comments on Standard 515/2a, Para. S3.1.2.

Fed. Std. No. 515/20

S3.

The phrase in the first sentence "in such a manner as to minimize or spread the area of contact" is contradictory and ambiguous. This should be re-written.

Fed. Std. No. 515/21

S3.1.

The allowance of 80 g's at 22 feet per second is totally unacceptable. See discussion of Standard 515/2a, Para. S3.2.1.

S3.2.

The mannikin heights specified do not cover an adequate range. See comments, Standard 515/2a, Para. S3.1. The minimum height given of 29 inches above the "H" point, corresponding to the 25th percentile adult female, is unrealistic when applied to school busses.

Fed. Std. No. 515/22

S3.3.1.

The 29.5 inch height requirement does not appear to be adequate. Protection should be provided for the 95th percentile male. In addition, a forward limit should be placed on the position of the front surface of the headrest relative to the head of the occupant seated in normal position, in order to prevent the driver from placing his head against the rest during normal driving, as this may induce undue relaxation and possible resultant drowsiness. As a criterion for the location it is recommended that reference be made to the headrest location in Air Force and Navy specifications for ejection seats, in which the headrest is so located that the pilot can place his head against the rest by sitting erect and pressing his head back, but cannot do so in normal seated position. An alternative would be to require tilting the driver's headrest in the manner used in the Italian "Secura" safety car, as described in Medical Tribune, Vol. 7, No. 26, February 28, 1966, p. 2.

Fed. Std. No. 515/25

S3.1.

The limitation of the area of critical encroachment based on a mannikin with an "H" point to top of head dimension of 33 inches, corresponding to the 75th

percentile male driver, is inadequate. Protection should be provided for at least the 95th percentile, and preferably the 99th percentile, male. For the 95th percentile male, the dimension from the "H" point is approximately 34.5 inches, and no smaller dimension should be considered adequate.

Fed. Std. No. 515/26

S3.1.

This paragraph specifies that fuel tanks and filler pipes shall withstand the longitudinal and/or lateral acceleration during an SAE J850 barrier collision. However, SAE J850 states that the collision shall be head-on or at the angles specified. The proposed standard does not call for an angular impact, so no lateral forces will be imposed in the test. A direct front-end impact can hardly be considered the most critical condition for a rear mounted fuel tank, and very few actual accidents occur squarely head-on, with no rotation of the automobile. This standard as written provides no protection against side or rear-end impact, both of which should be covered. In addition, it should be specified that in a rear-end collision at 30 miles per hour, deflection or failure of structure adjacent to the fuel tank will not cause puncture or rupture of the fuel tank.

COMMENTS ON PROPOSED REVISION OF FEDERAL STANDARD No. 515

(March 25, 1966)

INTRODUCTION

Comments on the proposed revised Federal Standard 515 were submitted on March 15, 1966, based in general on the draft proposal used for discussion at the meeting of February 2, 3, and 4, 1966. Presented here are revisions to these comments, based on a review of proposed revision published in the Federal Register, Vol. 31, No. 45, Tuesday, March 8, 1966, Part III.

Comments are made only on those sections which have been changed, and on which comments were previously submitted. With these exceptions, the comments of March 15, 1966, still obtain.

Fed. Std. No. 515/1a

S.3.2.2.2.1.

The comment on this Section was numbered S.3.2.3.2.1, in accordance with the numbering in the draft proposal for discussion purposes at the February 2, 3, and 4, 1966, meeting. The strength of anchorages has been increased to 2500 pounds, corresponding to our recommendation in our March 15 comment. This change is endorsed and should be retained.

Fed. Std. No. 515/6a

S.3.5.2.2.

The comment on this Section was incorrectly numbered in our March 15 comments as S.3.5.3.2. The load has been increased to 2500 pounds, and this increased value is concurred in.

Fed. Std. No. 515/12a

S.3.1.

The change to place the center of the wiped area at the eye level of the 95th percentile male is completely illogical. The eye level of a large percentage of women drivers and of some men drivers could be below the bottom of the area so defined. The wiped area should be defined so as to assure adequate clear vision for all drivers.

Fed. Std. No. 515/13a

S.3.2.

The increase in permissible specular gloss from 15 units back to 30 units is not concurred in. As noted in our comment of March 15, reduction to 15 units is considered a definite improvement, although a question remained as to whether it was adequate even so. 30 units is considered entirely too high to meet visual requirements of the driver, in the opinion of experts on physiological optics.

S.3.6.

The increase in permissible specular gloss to 40 units renders the addition of this Section to the standards virtually meaningless. This should be reduced to 15 units, the same as the values specified in S.3.2.

Fed. Std. No. 515/19

S.3.3.

The specification of a maximum permissible force was in S.3.2., of the discussion draft, and our March 15 comments carried this number. The reduction from 90 pounds to 60 pounds is an improvement, but even the 60 pound force is considered excessive, in view of the medical opinion expressed at the May 19, 1965 meeting, that 40 pounds was too high.

Fed. Std. No. 515/22

S.3.3.1.

The reduction in the minimum acceptable height of the top of the headrest to 25 inches above the "H" point makes this standard meaningless. A check of anthropometric data shows that this will be below the center of gravity of the head for most male drivers, and will be only slightly above the base of the neck (cervicale for the 95th percentile male. The top of the headrest should be above the center of gravity of the head for the 95th percentile male. It is also noted that limits on fore and aft positions of the headrest have been deleted, and it is again recommended that a forward limit be placed on the position, to prevent the driver from resting his head against it in normal seated position, for the reasons given in our March 15 comments.

Mr. ROGERS of Texas. Mr. Farnsley.

Mr. FARNSLEY. We have not heard very much about brakes and the drum brakes, the disc brakes, the compensators that keep them from locking. Can you give me 4 minutes and 36 seconds discussion on that?

Mr. STIEGLITZ. Taking the second part of the question first, aircraft have been equipped for years with what are called antiskid brakes. The transport aircraft do and most of the big military aircraft have them. This can be done, but it is a fairly complex system. This answers the question as to how you stop on a wet pavement without skidding and still have any stopping control on a dry pavement.

The way this works is that you put a sensing unit on the wheel which senses when the wheel stops rotating. In other words, when the wheel starts to skid, this sends an electric signal to a valve which dumps the pressure on the brake.

That releases the brake and lets the wheel turn back up to speed. Then when the wheel comes back up to speed the brake pressure is re-applied. It cycles the brake automatically. This type of thing certainly could be developed for the automobile and it would give this kind of control.

There is another problem that is more serious. I made reference before to a car being able to stop in a straight line. There are many cars on which the brake pressure is not properly balanced between the front and rear wheels, so that in an emergency stop the rear wheels tend to lock and skid while the front wheels are still braking properly, and the rear end of the car wants to skid around.

It takes a very highly competent driver to maintain control of a car under those conditions. There are proportioning valves available, there are ways of proportioning pressure, to avoid this. Some cars are properly designed. The one I mentioned that would stop at 138 feet did that.

The one that took 238 feet locked its rear wheels and the test driver was fighting the steering wheel the whole time, trying to keep the car from spinning out of control. So this can be done but unfortunately it has not been.

Mr. FARNSLEY. Is it very expensive?

Mr. STIEGLITZ. No.

Mr. FARNSLEY. Those are all the questions I have.

Mr. CUNNINGHAM. Mr. Farnsley, would you yield for a moment?

Mr. FARNSLEY. Yes.

Mr. CUNNINGHAM. What is the source of your figures, Mr. Stieglitz? Were these tests or actual accidents?

Mr. STIEGLITZ. These were on tests, and the figures on them were cited by Mr. OCee Ritch, the editor of Road Test magazine, during his testimony at the hearings on automotive safety held by the attorney general of the State of Iowa in Des Moines, in January.

Mr. CUNNINGHAM. Did you say these were official figures from accident reporting agencies?

Mr. STIEGLITZ. No, sir. These were figures from tests which were conducted by Road Test magazine, and were reported by Mr. OCee Ritch, the editor of the magazine, during his testimony at Des Moines during the hearings held by the attorney general of the State of Iowa, a few months ago.

Mr. CUNNINGHAM. Do they have similar test reports for the aviation industry?

Mr. STIEGLITZ. Yes, sir. Incidentally, in airplanes, any airplane, to get certification, you must demonstrate the safe stopping distance of the airplane and the capability of the plane meeting the requirements to stop that airplane. This is part of the certification process, that you must demonstrate the braking ability and safe stopping ability of the airplane.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Thank you very much, Mr. Stieglitz, for your presentation and courtesy in answering the questions.

Mr. ROGERS of Texas. Our next witness would appear to be Colonel Garrison, director of the department of public safety of the State of Texas, who, in the opinion of the Chair, has had about as much experience in traffic matters and associated subjects as any man I have ever known.

Is Mr. Schwan here?

I notice associated with you a Mr. Charles Schwan.

Mr. GARRISON. No, sir. He is with the Council of State Governments.

Mr. ROGERS of Texas. The Chair at this time will recognize the gentleman from Austin, Tex., in whose district the gentleman resides, Mr. Pickle.

Mr. PICKLE. Thank you, Mr. Chairman. I won't add much to the title you have already given to the gentleman. I would like to ask the permission of the Chair that State Senator Charles Herring might come to the table with Senator Garrison. He is my State senator from Austin.

The next witness, Mr. Chairman, is perhaps one of the most experienced men in America in the field of law enforcement and traffic safety.

He has received the Paul G. Hoffman National Award in traffic safety. He is past president of the International Association of Chiefs of Police. In the Southwest we have a legend that Judge Roy Bean was the law west of the Pecos.

In Texas Colonel Garrison's word is the law. He is experienced. He is able. He is firm and fair and he is factual whenever he makes a comment.

I believe he is the most experienced man in America today. I am delighted to present him to this committee.

Colonel Homer Garrison.

Mr. ROGERS of Texas. It is nice to have you.

STATEMENT OF COL. HOMER GARRISON, JR., DIRECTOR, TEXAS DEPARTMENT OF PUBLIC SAFETY, AUSTIN, TEX.; ACCOMPANIED BY HON. CHARLES F. HERRING, STATE SENATOR, AUSTIN, TEX., ON BEHALF OF HON. JOHN CONNALLY, GOVERNOR, STATE OF TEXAS

Colonel GARRISON. May I express appreciation to my Congressman for that introduction. I am grateful. I realize this committee has been meeting long and has been patient and fair and time is growing short. May I make this opening statement, sir. I have a statement to read from the esteemed and able John Connally, the Governor of our State which he asked me to present to this committee. Then I have a short statement of my own. If it is permissible with the committee I would rather read the Governor's statement and file my statement with the committee.

Then if you wish to ask questions I will answer them.

Mr. ROGERS of Texas. You may proceed.

Colonel GARRISON. Mr. Chairman and members of the committee, highway safety has long been one of the most challenging problems faced by State and local governments. While much remains to be done, accomplishments in this field by the 50 States and their communities are considerable.

In Texas, for example, our fatality rate in 1935 per 100 million miles was 16.6 while last year it was 5.8, or only about one-third the rate in 1935.

Nationwide the rate has steadily decreased also, although in latter years, it has tended to stabilize somewhat.

Moreover, no major increase in these rates has occurred in spite of a spiraling increase in the number of vehicles. Last year, for example, over 90 million automotive vehicles traveled an estimated 880 billion vehicle-miles on our streets and highways. Air travel is only a small percentage of automotive travel and passenger travel by railroad is now so limited that comparative fatality rates by rail are virtually meaningless. The fatality rate in the United States is only about one-half the European rate and considerably less than other foreign countries.

Nevertheless all of us agree that more must be done. Heretofore, this responsibility has been almost entirely that of the States, counties, and cities. Perhaps it is appropriate for the Federal Government to indicate a national interest in this subject, but I submit that the proposed bill as written virtually supplants State local decisionmaking for highway safety and gives that role to the Secretary of Commerce, while leaving the responsibility for such safety on the shoulders of State and local officials.

This is contrary to sound management principles. This is done specifically in the several sections of the act. Section 402 of the act reads:

The Secretary is authorized and directed to assist and cooperate with other federal departments and agencies, state and local governments, private industry, and other interested parties, to increase highway safety.

State and local governments are lumped with all other interested parties—their policymaking role in this act would hinge on the interpretation which the Secretary gives to the word cooperate.

Section 402 directs the Secretary to encourage and assist each of the States to establish a highway safety program by establishing uniform standards for a wide variety of functions of highway safety, including, but not limited to, provisions for an effective accident record system, measures calculated to improve driver performance, vehicle safety, highway design and maintenance, and traffic control.

Is traffic law enforcement a logical inclusion in this list on which the Secretary will establish uniform standards? The section specifically provides that the Secretary may establish standards on additional functions not listed—there is no language in the act which would prohibit the Secretary from establishing uniform standards on every facet of highway safety, including law enforcement, speed limits, control of driver licensing and others.

Very importantly, no guidance is given to the Secretary in this section as to the criteria for the establishment of these standards. Such guidance can best come from those with long experience in the field. Paragraph (c) of section 402 states:

The Secretary may make arrangements with other federal departments and agencies for assistance in the preparation of uniform standards for the highway safety program contemplated by subsection (a) and in the administration of such programs.

This section thus provides for other Federal agencies to be involved in the preparation of standards, but gives no recognition to the 50 States and 3,000 communities who, in the past 40 years, have saved more than a million and a half American lives by reducing the nationwide traffic toll from 19 per 100 million vehicle-miles in 1925 to the present level of 5.6.

State and local governments annually spend billions of dollars of their own on highway and street construction, maintenance, and law enforcement. Some of this money is used as matching money. However, most of it is spent in State planned and administered safety programs.

These programs have successfully caused the annual motor vehicle death rate to decline. This legislation as proposed will tell the States that to receive Federal money—only \$40 million in the next fiscal year—for traffic safety programs, they must subscribe to safety standards unilaterally established by a Federal officer.

To say it another way, they must sacrifice any say they have in the administration and establishment of traffic safety standards in order to make themselves eligible as recipients of Federal grants.

We earnestly believe that the vast experience accumulated by State and local officials should be utilized in any act which is passed by the Congress and respectfully request your committee to consider a participating role for the States, counties, cities, and technical organiza-

tions in the formulation and administration of standards which are developed.

Such a role would afford recognition of the long-time experience of these officials and agencies, and the inescapable relationship of highway safety responsibilities of such governments and officials to the performance of overall police, engineering, education and other governmental functions.

Specifically we suggest that the standards used in the implementation of this act be developed and administered by a compact or committee-type organization.

Responsible organizations of state and local officials could be requested to nominate membership on such committee, to augment membership by Federal officials.

Such a procedure is already in effect in the development of highway design standards and traffic signing. As Mr. E. M. Johnson, first vice-president of the American Association of State Highway Officials, testified this committee on March 23, development of the above standards has for 50 years been a joint State-Bureau of Public Roads co-operative effort, utilizing the vast amount of experience and talents in the States and the Bureau.

These standards are cooperatively developed and formally balloted upon and approved by State highway departments.

We suggest this same procedure for the standards relating to other aspects of highway safety which are covered in this act. We further believe that this procedure should be provided for, at least in general terms, in this basic act, and not left entirely to rules and regulations of the Secretary.

In June of this year there will be held a national conference of State and local governments to prove the traffic safety problem and to determine courses of action. The conference will be cosponsored by the four major organizations of State and local officials—the National Governors' conference, the National Association of Counties, the National League of Cities, and the U.S. conference of mayors.

Federal officials have assisted in planning the conference and will be invited to participate. This conference would be an appropriate place to discuss the related role of the Federal Government and the States and local units in establishing and implementing highway safety program policies.

It would be an excellent opportunity to clarify the roles of the various levels of government.

In this connection, I would like to emphasize that we are at the State level not merely marking time on this matter of traffic safety. For example, in our State of Texas, I am recommending to the legislature a broad program designed to cut into the losses being sustained on our streets and highways.

This program will include:

1. Additional police personnel, accompanied by increased salaries and benefits to attract and retain qualified men.
2. A new code of traffic laws complying with the uniform traffic code.
3. The establishment of courts of record for the trial of traffic offenders.
4. Provisions of driver education for all young drivers.

5. Strengthening of our state coordinating body for more effective coordination of all State programs relating to traffic safety.

I give you this report to illustrate that under the present system, we have not only made much progress through the years, but are continuing to hammer away in an attempt to forge even better tools with which to fight the menace of traffic accidents.

Finally, I would like to make a few comments about the term creative federalism. I have not seen an official definition of creative federalism, the term used by our able and distinguished President and by others in the Federal Establishment. I am sure there are a variety of opinions about the meaning of the term. As for me, I feel creative federalism connotes recognition of the dignity and importance, yet interdependence of all three levels of government—Federal, State, and local.

To recognize the dignity of the levels of government is to recognize their worthiness to act in their respective capacities.

To recognize the importance of each of the three levels without weakening the whole is to recognize that no one level can successfully absorb the role of another without weakening the whole fabric of our democratic process. Each level must retain its independent responsibility and although each level will share an interdependence with the others, that interdependence must not become total subservience or the basic framework, the practical functioning, and even the philosophy of the system is threatened.

Creative federalism is thus a partnership of mutual trust and respect. It is a union of participants—each bringing his talents and resources to bear in an imaginative, productive role.

In this proposed act, in any proposal affecting responsibilities which have been traditionally shouldered by the States and their communities, I believe creative federalism would avoid unilateral action by the Federal Government, and endorse bilateral or trilateral agreement and action to achieve mutual objectives. In so doing, it would recognize that the creativity called for in creative federalism comes from the length and breadth of our land and is not the exclusive property of any one group of individuals.

This is the kind of creative federalism I whole heartedly support.

Mr. ROGERS of Texas. Now you also have a statement of your own, Colonel Garrison?

Colonel GARRISON. Yes, sir, I will file my statement in the interest of time.

Mr. ROGERS of Texas. Without objection your statement will be inserted in the record.

(The statement referred to follows:)

STATEMENT OF COLONEL HOMER GARRISON, JR., DIRECTOR, TEXAS DEPARTMENT OF PUBLIC SAFETY, AUSTIN, TEX.

Mr. Chairman and members of the committee, at times such as this, when afforded an opportunity to present my views before a legislative committee dealing with a vitally important piece of legislation, I am not only filled with a deep feeling of responsibility but I am proud to live in a country where ordinary citizens, such as I, can voice their views on subjects of such transcendent importance. I am Homer Garrison, Jr., Director of the Texas Department of Public Safety. I have been Director of this Department for over 27 years and actively engaged in the field of traffic safety over 35 years.

The Texas Department of Public Safety is charged with the responsibility of formulating plans and policies for the enforcement of traffic and safety laws of the State of Texas and for the education of the citizens of the State in the promotion of public safety and law observance in addition to its law enforcement activities in the criminal law field. In discharging our responsibilities, we currently employ a total of 2,600 employees, 1,260 of which are uniformed personnel, on a budget of \$20,000,000 a year.

Texas, in 1963, enacted the Uniform Act creating the Vehicle Equipment Safety Commission. The Governor of the State in implementing this legislation appointed the Chief of the Inspection and Planning Division of our Department as the Commissioner representing the State of Texas on the Commission. Chief George W. Busby is currently a Director of the Commission and is also serving as Chairman of its Lighting Standards Committee. He has been active with the Commission since his appointment in 1963. Chief Busby has been with the Texas Department of Public Safety over 30 years and has been Chief of the Inspection and Planning Division since its organization in 1957. He has served as Chairman of the Engineering Sub-committee of the American Association of Motor Vehicle Administrators and is now General Chairman of the Engineering and Vehicle Inspection Committee. He is also a member of the Executive Committee of that organization. This is an example of the State personnel whose experience makes them particularly qualified to serve in any capacity where safety standards in traffic safety are concerned. The work of the Vehicle Equipment Safety Commission is commendable because it brings into play on an extremely complicated problem the experience of professionals who are in daily contact with the problems involved and have the background of many, many years of directly working with the equipment and factors under consideration.

My experience has taught me that the problems involved in the field of traffic safety are so complicated that their solution requires the combined efforts at all levels of Government. This is one of the reasons I am deeply gratified that Congress and the President are using the prestige of their offices in an effort to achieve realistic approaches in this area of traffic safety. However, I have a deep feeling that any legislation enacted should not lose sight of the progress already achieved and should not bypass the human resources available in the many years of experience of State and local officials dealing in this field.

As I have said before, the many factors involved complicate a picture over-generalized by many. It is easy to say that three factors lead to accidents, namely, drivers, vehicles, and roads. Such a generalization begs the question.

In any one accident, for example, all three may be contributing factors. I might also add that outside factors may be involved. For example, we know that in my home State of Texas 64% of fatal accidents on rural highways are one-car accidents. No one can say for a certainty what all the primary causes of these accidents are. While our officers are highly trained in accident investigation, we have neither the resources nor the manpower to *intensively* investigate even accidents involving fatalities. You are aware that such intensive investigative efforts might require many man-hours of work reconstructing the actual accident, the efforts of many experts analyzing in detail all parts of the equipment involved, as well as a complete autopsy of the victim. Until accidents are thoroughly investigated in this manner, most conclusions listing accident cause or contributing factors must be tested for their validity in terms of the experience of those drawing the conclusions as to cause. This "experience" can only be found among the thousands of professional employees of State and local agencies who daily and for years have dealt with traffic safety. Inasmuch as there is a direct relationship between accident cause and accident prevention, it appears almost axiomatic to me that the Congress consider "tapping" this vast reservoir of combined experience in adopting standards leading to improved traffic safety.

I have the feeling that unless the Federal Government is willing to adopt a crash program involving billions of dollars for research, any adoption of standards at this time must necessarily be tentative. For my part, I would prefer to rely on standards recommended by a Commission such as the Vehicle Equipment Safety Commission because such Commission has used the experience of the many State officials who are the recognized professionals working daily in this field. I recognize that this process takes time. However, it is the democratic process at its best and I am convinced in the long run will do an effective job.

The Federal Government, I feel, does have a responsibility in the field of traffic safety. This could be satisfied by granting to these Commissions and other

existing organizations, such as the American Association of Motor Vehicle Administrators, the International Association of Chiefs of Police, the National Highway Users Conference, the American Association of State Highway Officials, etc., sufficient money to undertake adequate research projects so that solutions and standards could be sought scientifically. The Federal Government could insure adoption of such standards resulting from such research and agency action by proper legislation.

As Senator Ribicoff has pointed out, we can spend a billion dollars to assure the safety of three men occupying a space capsule going to the moon. And I might add, many billions in a research program which will put them there. This country spent over two billion dollars in developing the first atomic bomb. This is the kind of money involved in any real research program which seeks effectually to insure traffic safety on our highways. Without such an effort any solution or standards are, at best, guesses or makeshifts.

It has been the experience of mankind that hasty moves sometimes impede instead of accelerate progress. The calm deliberation of Commissions formed under the Beamer Resolution, supported by adequate research resources will undoubtedly, in the long run, produce a more salutary solution to the adoption of standards that will solve the problem of slaughter on our highways.

Mr. Macdonald?

Mr. MACDONALD. Yes.

Colonel Garrison, it would have been nice to have had the benefit of being able to take a look at the statement made by your Governor or your own statement. I was not quite clear whether he supported the administration's bill, opposed it, wanted a stronger bill or less strong bill. I could not quite follow.

Colonel GARRISON. May I say this, sir: Of course, I do not presume to speak for the Governor.

Mr. MACDONALD. You just read his statement.

Colonel GARRISON. I read his statement, yes. I do say he is supporting, I am sure, the intent of the whole thing here with the idea of being a cooperative effort between the Federal, State, and local operation.

Mr. MACDONALD. We are all for that.

Colonel GARRISON. Yes, sir.

Mr. MACDONALD. Does he support the bill? I could not follow, truthfully, the statement very carefully, but I tried to. I wasn't sure whether he supported this administration bill or did not support it.

Colonel GARRISON. I would say he supported it, sir, with the thing that he said about being a compact, may I say, or the three agencies of the Federal Government getting together on handling the problem.

Mr. MACDONALD. When you used the word compact, do you understand the previous testimony given by the automotive industry? They want it all set up by a thing called the Vehicle Equipment Safety Commission, which the Congress authorized. Is that also Governor Connally's view?

Colonel GARRISON. I can't answer that specific question. As far as compact is concerned, the vehicle equipment safety compact, much was said about it this morning, said about the fact that it had not gotten off the ground, had not moved, which is true. However, it seems the mills of legislation and mills of justice slowly.

May I make a statement of my own at this point? I think the very fact that the administration and this Congress is holding these hearings has done more to alert the American people, and I am talking about not only my State, but other States, to the extreme necessity of

doing something about this problem. I think it is the greatest thing that has happened and I have been in this business now for 47 years.

I think it is the greatest thing I have ever seen of the renewed interest—may I not say renewed interest, but the new interest in the problem.

Mr. MACDONALD. Both distinguished members from your State of this committee have sung your praises, Colonel Garrison. You have read the Governor's position. What is your position?

Colonel GARRISON. My position would be very close to his. May I make the further statement that I am not a direct employee of our Governor under our system of government in Texas. As Mr. Pickle said, I have been there 27 years, and I have seen many Governors operate under the commission-type of government. My commission is made up of appointees who serve 6-year staggering terms. So I am not exactly an employee of the Governor of the State.

Mr. MACDONALD. Thank you very much.

Mr. ROGERS of Texas. Mr. Younger.

Mr. YOUNGER. One question, Colonel: Do you believe that the licensing of the drivers should be made a Federal program?

Colonel GARRISON. No, sir; I do not.

Mr. YOUNGER. The investigation, the examination of cars, should that be a Federal program or should that be left to the State?

Colonel GARRISON. If you speak of State programs such as we have in our State, where the State does have an inspection program, I think definitely it is a State responsibility.

Mr. YOUNGER. Thank you.

Mr. ROGERS of Texas. Mr. Pickle?

Mr. PICKLE. Colonel, I was glad to see you make the statement for the Governor. It seems to me that the question in this whole problem is who is and how are we going to assess standards, and who is and how are we going to administer the standards?

That is not altogether so much in point according to the question of the gentleman from Massachusetts, what are the Governor's specific ideas on this legislation. I think we all support the proposition of automobile safety standards. No one witness has come out necessarily very strongly for it, speaking in reference to the bill itself.

It seems to me we can do it several ways; either let the Secretary of Commerce set the standards or we can let the Secretary set it in connection with some kind of advisory committee, and I must say that the Department of Commerce does not have much respect for advisory committees that the Congress sets up. They kind of take it as a joke, it looks like.

We could set up some kind of commission, much as on the lines of an FAA, a fully, legally constituted commission that votes to establish these standards. We could work through the VESC of the State or we might even say to the States, "We give you 2 years to set these standards," much as originally the bill introduced by the chairman has said, because after this period of time the Secretary would then have a period to set the standards.

How do you feel about any one of these particular approaches?

Colonel GARRISON. The Baldwin amendment, as we read it, gave about a 2-year period for the States to comply with certain standards

set up by the Federal Government. If they did not, there would be no matching funds coming to the States. Congress very wisely took the penalty provision off, but it did leave the law that it shall determine whether or not we comply.

To this day we have not had standards adopted by that law. We don't know what they are yet. They said they will be out in the next month or so. I am not too opposed to that, that they say to the States "Here are some standards that have been developed." Incidentally, may I say, too, that the Bureau of Roads, in working in this area, called in the organization of the International Association of Chiefs of Police, American Association of Motor Vehicle Administrators, traffic engineers, and highway officials and called them in and they did sit down with them and developed these standards.

If it would come to that, I would be very much in favor of saying to the States, "Here the standards have been developed. Your legislature will be meeting and you can take them or leave them," and if we don't, of course, we could not cry very loudly if they said "You failed in your responsibility."

Mr. PICKLE. At the last session of Congress, we passed a measure, the water pollution bill, which said to the States, "We will give you until 1967 to set the standards. If you don't we are going to."

In view of your comments, I would like to also ask the State Senator Herring what he thinks about that, if that was given to the States along the same lines as the water pollution measure. Are you familiar with that?

Mr. HERRING. I am familiar with the Mundt-Blatnik bill, the water quality bill of 1965: Yes; it gave to the States a deadline until July of 1967 to come up with acceptable water criteria in all interstate streams, streams over which the Federal Government has jurisdiction, and if they did not come up with acceptable standards, it is subject to review by Mr. Udall, after the agency is transferred there. Then the Federal Government would set standards of its own.

I can see a great deal of merit in that and I think it might work in the area we are talking about here. The State of Texas, I think, and I speak only as one member of the senate, would respond gladly, and I think with a great deal of cooperation in trying to meet the problem. This committee has done so much to bring it to the attention of the people, so much more than we can in the State legislature. You have done a great service.

Give us a chance, if we are worthy of it, to try to establish some standards. If we don't do it, then authorize someone to do it. I would rather this Congress set the standards rather than giving broad, unlimited rulemaking power to some agency.

Mr. ROGERS of Texas. The time of the gentleman from Texas has expired. The gentleman from Nebraska.

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

By the way, do you know Mr. Werner in Austin?

Colonel GARRISON. Werner? He works for me.

Mr. CUNNINGHAM. He is a good friend of mine from Omaha, Nebr. I think highly of him.

Colonel, like you, I have been in this work professionally, not as long as you but quite a few years.

May I ask you, are there any figures available as to how many deaths are caused by auto design?

Colonel GARRISON. No, sir; not to my knowledge. May I make a quick statement? I know your time is limited. I actually believe—somebody said before here, a gentleman from the Aeronautical Engineering, you have to have skilled people investigate accidents. I don't think you can ever investigate every accident with the completeness we are talking about unless you have men, material and money to reconstruct the scene of an accident.

You have engineers go over the automobile at that time, have a psychologist talk to the family and see what the attitude of the man was when he left home, go over his medical record and then perform an autopsy.

I don't think you can ever really pinpoint exactly what even caused an accident.

Mr. CUNNINGHAM. Your testimony has been like a breath of fresh air. I believe you to be a qualified witness and we have not had too many of those.

Now you know from your long years of experience what we in traffic safety know are the things that have to be attended to. And that is the three E's, education, traffic engineering, and enforcement.

Colonel GARRISON. Yes, sir.

Mr. CUNNINGHAM. Aren't those the real points that have to be stressed?

Colonel GARRISON. Yes, sir. To me I would think they are the major points.

Mr. CUNNINGHAM. You have to build better highways and you have to have money. You have to do better traffic engineering so far as red and green lights, stop signs, hedges that obstruct your vision, all those things.

You have to have more money for more patrolmen because enforcement is the weakest link of those three. So, aren't those the three things that if they are properly implemented and if you had enough money would reduce this toll?

Colonel GARRISON. We think so, yes, sir; we think it would.

Mr. CUNNINGHAM. Of course, as you mentioned, there are other things such as uniform signs and signals between the various States and license revocation—say someone in Maryland has his license taken away from him, he can go into Virginia and drive again if he passes the test.

Don't you think it would be wise if a man's license were taken away he should not be allowed to drive in any other State?

Colonel GARRISON. Yes, sir; that is correct.

Mr. CUNNINGHAM. Would that not do a lot toward alleviating this problem?

Colonel GARRISON. Yes, sir. However, you know in cooperation with the Federal Government, there is a Federal Driving Register. Of course it is not mandatory but we are one of the participating States. When we revoke a license we send it in and when we issue a license out of State we check with the register, a service which has been very beneficial.

We have been able to get information on people far removed. However, it does not prevent that party from coming in under an assumed

name and reapplying because there is no identification such as fingerprints.

Mr. CUNNINGHAM. As I said, your testimony is like a breath of fresh air because you know what has to be done to reduce this accident toll. Anybody who has been in this field professionally will agree with you and that is the point I have been trying to get across in all of these hearings.

I am delighted that you came. If my time were not limited I would say some complimentary things about Congressman Pickle but I am afraid I will be shut off so I will reserve my time.

Mr. ROGERS of Texas. The gentleman's time has expired. He may insert his complimentary remarks in the record.

Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Colonel, it is a very reassuring thing to encounter a person like yourself that we can turn to. I want to say how completely I agree with your Governor's statement about the need for Federal-State-local cooperation in methods which dignify each unit of the government in their respective roles.

I would like you to go back to the Governor who is a very experienced political leader and ask him to put some meat on the skeleton and suggest what specific methods or processes we might use.

I find it very satisfying to have legislators here from Texas and Georgia and other States that have been represented. I believe the frequent consultations of committees of Congress and State legislatures having similar jurisdiction may be the best method.

Now I think we have a little tangle in our discussion. There are three titles in all of these bills. The first one has to do with safety performance standards for motor vehicles. I think we have to distinguish between the fixing of standards for motor vehicles and fixing of criteria for programs.

Would you agree?

Colonel GARRISON. I agree, sir.

Mr. MACKAY. It is not feasible for 50 State legislatures to define safety performance standards when it appears that these must be dynamic standards which will be tightened up and improved with experience.

Will you agree with that?

Colonel GARRISON. Yes, sir; I will. However, may I add something here. In establishing those standards I think, too, it would be advisable to take the benefit and experience of many people in various branches of government, consult them, at least.

Mr. MACKAY. You would also agree this does not require 24 months but could be done very expeditiously?

Colonel GARRISON. Yes, sir.

Mr. MACKAY. The second title has to do with comprehensive research. It is undisputed that nowhere, in or out of government, has complete data been gathered or really complete research done on every aspect of the traffic accident phenomenon.

Colonel GARRISON. I agree.

Mr. MACKAY. It is true that 50 States cannot carry on comprehensive research, isn't it?

Colonel GARRISON. That is right.

Mr. MACKAY. It seems to me that the States have a contribution to make in the area of research on selective projects. Would you not agree to that?

Colonel GARRISON. Yes, I would.

Mr. MACKAY. Title III has to do with the grant-in-aid programs. I just want to second what the Governor said and what I know to be your view, that for anyone in Washington to undertake to fix criteria for driver training without consultation with State and local officials would be folly.

Colonel GARRISON. May I add and policing.

Mr. MACKAY. And training of accident investigators.

Colonel GARRISON. Yes.

Mr. MACKAY. I want to appeal to you to ask the people in your State to help us think about reasonable mechanics that should be written into this legislation because it rankles me to read something like the Baldwin amendment that says if you don't do what the Secretary wants you will get your money cut off. It burns up everybody in State and local communities.

I think we can eliminate that displeasure on the part of people in the local communities by working out the practical mechanics. Nobody has suggested that the term "creative federalism" is not a nice term. It is a fresh term, but it has not been spelled out as the Governor said.

I just want to thank you and your legislator, for your presence here. It has meant a lot to use for you to come up here and express approval of what we are trying to do.

Colonel GARRISON. Thank you very much.

Mr. PICKLE. When the hearings were conducted last month I pointed out under title II through the grant program it seemed to me like we were giving to the Secretary or to the Federal Government a pretty heavy hand over the States and it might lead, as the gentleman from Georgia pointed out, to very strong Federal control.

I want to simply point this out to you and to the committee. In my opinion, title II ought to be considered fully by this committee. It is being considered at this point, title II and III, over the Public Works. Perhaps Public Works with respect to highway design should remain there but when we talk in terms of programs I don't know why jurisdiction should not be in this committee and not over there.

I just point that out to the gentleman from Georgia.

Mr. MACKAY. Mr. Chairman, I would like to add, though, that I think the States ought to avoid coming to Washington and implying, and you have not done this, that their house is in order. I think the Georgia legislators here would agree that there is a plain lack of coordination by the professional people in government in looking at the total problem.

Mr. ROGERS of Texas. The time of the gentleman has expired. Mr. Farnsley?

Mr. FARNSELEY. The man from Texas says you know more about this than anybody else in all of the world. You told me what the Governor from Texas thinks about it.

Take 2 or 3 minutes and tell us what you think about it.

Colonel GARRISON. I may not know exactly what you have understood. I have been known as one of the voices crying out in the wilderness, since 1946. I attended the President's first Highway Safety Conference. I got on a train because I could not get a plane reservation going home. There in my hand I had the best thinking of 2,500 people that the President called, the action program, to go back with. We put this in and we immediately stopped dancing. I was delighted until I got back home and faced reality. No one in Texas was concerned about the program I brought back from Washington.

I made many speeches on it. Some of our legislative friends stood with me and we lost a lot of battles and we rose slowly. I think in our legislative process, the only way for us to do anything in this country is to alert the people in the States and, thank God, we have a country like this today and if something is going to be done it is going to be done immediately.

The fact is that they don't know what they want because it has not been explained. I think, sir, that that explains the very fact that the things that you are saying here today in this committee on this proposed legislation. I believe that back in my State, and I hope my good friend Senator Herring will concur—I think we can move on a program that will accomplish the objective.

That is the great thing to me that has been happening.

Mr. FARNSLEY. Thank you, sir.

Mr. MACDONALD. Would you yield?

Sir, I think the questions that Mr. Pickle and the other people have asked you go to the root of the whole thing. I am not from Texas, I am not from the South. I don't always cry about States rights as some of the people do up here, not members of this committee, of course, but I have heard them on the floor sometimes. I would like to ask you how you can reasonably expect to have Federal standards set up, and you, yourself, said they could not be set up by the State individually, they had to be set up by the Federal Government, you have Federal money involved in support of this program, and yet after all this is done you don't want any Federal control.

That always leaves me blank.

Colonel GARRISON. I don't quite understand that, sir. Let me interject this, that with Federal control, if we went to policing, if we had Federal driver licensing, if the State did not pass legislation, it would mean you would have Federal policing enforcing the driver's law.

Mr. MACDONALD. I am not talking now about a Federal driving license. I don't think we should have them. What I am talking about is specifically the bill before us dealing with highway safety and putting in mandatory Federal standards. That is what I am talking about. It has to be done according to all the testimony that I have heard from the people from the various States and State representatives and State senators. Each one has said they can't deal with it as an individual problem, it is too big to be handled by any one State, even Texas or Alaska.

On the other hand, you say that while the problem is too big to be handled by a single State and it needs Federal money there should not be this so-called czar that is going to be set up by the Federal Government.

Colonel GARRISON. I think you missed my point, sir. What I intended to imply was that I agree on the standards. Shall we take the benefit of the years of experience of people at the various levels of government cooperatively getting together to set the standards?

I would be violently opposed to take a group of pseudoexperts and say here are the standards we are going to set and then find it would not be workable.

I have attended many meetings over the years. Someone will come up with something that looks real good and then we say yes, what about this? I didn't know that was a factor. I am talking about getting together the knowledgeable people at any level, sir, the Federal Government, the State government, the local government, and outside, too.

Mr. MACDONALD. But you would agree that in the months that this evolved that this ought to have a responsible agent, either the Congress itself or someone appointed by the Congress to run the entire show?

Colonel GARRISON. Yes, sir. I would say the Congress, sir.

Mr. ROGERS of Texas. The time of the gentleman has expired.

Mr. MACDONALD. And without calling them a political or Federal czar.

Colonel GARRISON. That is right.

Mr. MACDONALD. Thank you.

Mr. ROGERS of Texas. Thank you very much, Colonel Garrison, and Senator Herring, for your contribution to the record.

Colonel GARRISON. Thank you, sir.

Mr. ROGERS of Texas. Our next witness is Mr. Karl E. Smith, of Auberry, Calif.

STATEMENT OF KARL E. SMITH, AUBERRY, CALIF.

Mr. SMITH. Mr. Chairman and members of the committee, I have come here today to try to prevent needless death and misery on our streets and highways, and I am most grateful that you have given me the opportunity to do so.

First, I would tell you how I came to be a safer automobile expert.

I have sight in only one eye. Several years ago I was driving the Los Angeles freeways and discovered that for a one-eyed person it was a harrowing experience trying to change lanes, for I needed to turn my head further than most people do.

I nearly caused a wreck because my head was turned when conditions up front changed and I did not see it happen. All drivers, however, look to the sides because they cannot trust their mirrors and I suddenly realized that I could do something not only for myself, but for all motorists, if I could devise a better mirror system than the one on present cars.

It took me 3 years, but I built the car I now drive. I have invented a perfect over-the-top auto vision mirror that is full sweeping both to the rear and sides, and completely undistorting. It is of such effectiveness for lane-changing that even the rear end of a car can be seen through this device while the front end protrudes ahead of my car. This situation exists simultaneously on both sides. It enables me to make safe lane changes on a busy freeway no one driving

a conventional car could possibly achieve without having sideswipe accidents.

If you will sit in my car—which I drove to Washington from California so that you might—you will find that you have never seen such panoramic, undistorted rear and side viewing in an automobile.

I also brought a film, which I will show, which was taken from inside my car, being driven down an expressway, with the camera focused on the panoramic mirror. It is quite exciting to watch the film and realize that this is the kind of auto safety everyone is talking about, but no one has found.

(Film presentation.)

There is simply not a blind spot in my mirror system. You need not, for instance, look to the side to enter an expressway for the viewing is nearly 180 degrees in full sweep. You look forward at all times for all driving conditions.

I would also like to add that this mirror provides 75 percent greater rear and side vision, during a heavy rain, especially at night, than you have on a "rainbeaten" front windshield. My device does not increase rear vision headlight glare. On the contrary, it slightly polarizes normal glare seen through other rear vision mirrors.

But, gentlemen, this is only the beginning of what I offer to save lives.

This mirror is so effective that I can block out all glass except the front windshield and drive the most crowded freeways with total safety. Nothing inside my car is view-obstructing, not anything—not the passengers, not the seats, not auto top braces, nothing that could be installed for passenger safety.

Imagine, gentlemen, what this means for auto safety. It does not mean that we should eliminate rear and side windows. It means that all seats can be built to prevent whiplash neck and be of a wraparound type to keep people from being thrown out of a car in a side crash. Also, it allows for center supported roll bars to keep car tops from crushing in and killing and injuring passengers.

Thus, when you add it all up, I have eliminated two major causes of accidents from happening, and three major causes of death and misery when accidents occur, all of which were not possible to correct without over-the-top viewing.

May I point out what I really did? I changed the basic concept of automobile and found far bigger, more important, more effective solutions than those who try to keep the auto as we know it and approach auto safety from that point of view.

I have come before you today, then, to discuss this important safety advance and to do my utmost to have this new concept of an automobile incorporated into the minimum standards required for automobiles in the United States.

I think all should know, too, that I am principally here today because Congressman B. F. Sisk from California was willing to drive my car and write a report about it, whereas, safety experts for two years would in no way concern themselves with what I offer. I want to tell you that I, too, know something of the enormous, yet in some cases inexcusable, problems confronting those who are sincerely trying to accomplish effective auto safety. For example, it has taken the

automobile industry years to correct the steering post, even though it has long been known that this is a needless killer.

My experience with this kind of apathy are these files you see before me. They represent one effort, and one man's failure to get one safety official to look at a new safety concept. I have written more than 250 letters to varied safety experts I could discover in the auto industry, safety councils, both Federal and private, varied States that have safety programs, universities being given research grants, certain insurance companies, the U.S. Senate Subcommittee Investigating Auto Safety, and such specialty groups as the Physicians for Auto Safety and the Highway Visibility Bureau, as well as the American Trial Lawyers Association, Inc.

Moreover, my rebuff was in the face of my having received publicity twice through international news releases, national publicity four times through magazine and auto trade paper coverage, local publicity in the cities of Los Angeles, San Francisco, Oakland, and Fresno, a total of nine times, TV publicity in Fresno, Calif., Philadelphia, Pa., and Providence, R.I., and national radio coverage once.

These files, then, are the basis for my writing my report, entitled "The Safer Automobile Farce," as of April 5, 1966, which I request become part of my testimony. I report these files to you as a basis to recommend that a bureau be organized to evaluate and make known effective new safety ideas.

What is obviously wrong is that with our great scientific advances of today, it is thought that advance can only come through the teamwork of a large corporation exploring a problem. Seemingly, we have forgotten that it was the lone inventor of a few years ago who produced much of what we use today.

You should also be made aware of the fact that for all of the enormity of the search for a safer automobile, most auto safety organizations have even made certain that no private inventor be recognized by making it illegal to endorse private invention. I feel, however, I have far too much to offer in the constructive mechanical progress than to confine myself to an exposé. My contribution is the safety device on the car I built which the public needs immediately. Nothing should be more important than this.

Gentlemen, the worst mistake anyone could possibly make for auto safety is to demand placement of two outside mirrors on automobiles, as is now being done by experts. These mirrors do not solve the viewing problem. They perpetuate the problem and, therefore, can never be a solution. By no stretch of the imagination, then, could such recommendations be called progress.

Moreover, proponents of outside mirrors do not realize that their concept of viewing keeps the seat at shoulder height, which causes whiplash neck injury. Their mirror concepts allow car tops to be braced only at the corners and edges, causing tops to be crushed when accidents occur.

Further, these same proponents recommend only pads behind seats to prevent whiplash. As you well know, when this is done, it prevents whiplash, but creates greater viewing obstruction. Moreover, such pads can only be mounted on front seats because of viewing problems. It can't be called progress by recommending the solution of one problem by creating another problem of viewing.

I close my report with the following: The auto industry must stop needless highway carnage. I challenge their insistence that everything possible is being done to make a safer automobile.

If they have a mirror as good as mine, why is it not manufactured on present automobiles?

If they do not have a mirror as effective as mine, why is it that they will not look at mine and install it immediately on experimental cars as a prelude to mass production?

Obviously, either they do not know how to make my mirror, or they have one of only limited effectiveness or they deliberately are retarding auto safety. There is only one way to find out, and because this involves needless highway slaughter, we must find out.

I will drive my car to Detroit with the open challenge that one and all of the auto industry show their mirror concepts alongside mine. With impartial judges such as you, or anyone you care to name, and the press, the matter can be decided.

Thank you for allowing me to be here.

The car is located in space 3G169 of the Rayburn Building Garage for those who wish to see it.

(The article "The Safer Automobile Farce," as of Apr. 5, 1966," follows:)

THE SAFER AUTOMOBILE FARCE AS OF APRIL 5, 1966

(By Karl E. Smith)

The search for a safer automobile, despite the publicity such receives, the money being spent, and the investigations being conducted, is a farce.

Where the auto is concerned I have discovered how to eliminate two major causes of accidents from happening and three major causes of death and misery when accidents occur, but no safety expert I can find is even slightly interested.

Moreover, I prove I can do this by having constructed a prototype safety car encompassing my discovery. Hundreds of people have tested my car with complete elation about its performance.

I first wrote to every safety expert I could discover in the auto industry safety councils, both federal and private, varied states that have safety programs, universities being given research grants, certain insurance companies, the U.S. Senate Subcommittee investigating auto safety, and such specialty groups as the Physicians for Auto Safety and the Highway Visibility Bureau, American Trial Lawyers Association, etc.

For all of this I have yet to get one safety official to appraise my car.

I then went to the press and have received publicity twice through international news releases, national publicity four times through magazine and auto trade paper coverage, local publicity in the cities of Los Angeles, San Francisco, Oakland and Fresno, a total of nine times, and TV publicity in Fresno, California, Philadelphia, Pa., and Providence, R.I.

Having received marvelous reviews with pictures, descriptions and elated testimonials, still no safety expert will look at my car.

It is my charge (with proof I can furnish, not only from my large reject file, but with the prototype safety car I have built) that through mechanical incompetence, scientific mechanical advances are deliberately kept from being recognized and manufactured, both by the investigators and the industry they would admonish.

Mindful of the enormity of the safer automobile search and the dire need for a safer automobile, such a situation is a disgrace to the mechanical ingenuity by which America once again could surpass all the world.

The tragedy of what is to come in auto safety is that whereas the auto industry suppressed mechanical creativity to make a safer automobile, so are the political leaders searching for a safer automobile now doing the same thing.

Men without mechanical ability or background are now making recommendations, some of which are totally wrong. The mechanically creative person is barred completely from today's search for a safer automobile. To build an automobile that exceeds, in safety concept, all automobiles in the world, to receive publicity about it and to challenge anyone to show a better potential, as I have done, is not considered sufficient reason for auto safety testimonial or recognized expertism. Thus the mechanically skilled are at the mercy of the unskilled and the mechanically unskilled make the car safety decisions.

That I have created something remarkable cannot be denied, witness the following:

A. Congressman B. F. Sisk

"CONGRESS OF THE UNITED STATES,
"HOUSE OF REPRESENTATIVE,
"Washington, D.C., December 23, 1965.

"MR. KARL E. SMITH,
"Post Office Box 167,
"Auberry, California.

"DEAR MR. SMITH. I want to express my gratitude to you for the opportunity of examining and driving the automobile equipped with your ingenious and practical over the top automobile vision mirror.

"I want to let you know that I was greatly impressed by the practical utility of this device and I will do all I properly can to assist you in its development and presentation as a new approach to the automobile and traffic safety we so urgently need.

"My actual operation of the automobile in traffic revealed that the arrangement of mirrors gives a clear, undistorted view of the entire street and surroundings to the rear and on both sides of the vehicle, with greater effectiveness than ever experienced. I am additionally most impressed by the opportunity that incorporation of your invention into the design of automobiles will afford in revising the entire structure of the body in the interest of safety. The full over the top rear and side vision eliminates any need for rear window or other vision, and would make possible higher front seats to avoid whiplash injuries, greater strengthening of top and door structures to reduce injuries from roll-over or open door accidents and other desirable features.

"I will certainly urge all organizations and groups dedicated to highway safety to carefully consider and assist in publicizing and advancing the obvious merits of your device.

"Sincerely,

"B. F. Sisk, Member of Congress."

Having driven my car thousands of miles under many varied road conditions, I submit it as having a perfect over the top auto vision mirror that is full sweeping both to the rear and sides, completely undistorting and of such effectiveness for lane changing that even the extreme exists where the rear end of a car can be seen through my device while the front end protrudes ahead of my car. This situation exists simultaneously on both sides enabling me to make safe lane changes on a busy freeway at a pace no one driving a conventional car could possibly achieve without having "side swipe" accidents.

With my mirror I can safely enter freeways on an approach ramp without looking to the sides, for my mirror is nearly 180° in "full sweep" rear and side view.

My mirror system provides 75% greater rear and side vision during a heavy rain, especially at night, than one has on a "rain beaten" front windshield. My device does not increase rear vision headlight glare. On the contrary, it slightly polarizes normal glare seen through rear vision mirrors.

B. Wrong expertism

Experts must stop expounding the need for two outside mirrors on automobiles as a national standard. To do so is not facing the fact that these mirrors don't solve the viewing problem. Such mirrors continue the problem and therefore cannot ever be a solution.

Moreover, such proponents of the outside mirrors don't realize that it is their concept of viewing that is keeping auto backrests of seats only at shoulder height which causes whiplash neck injury. Nor do they realize that their mirror concepts are keeping car tops being braced only at the corners and edges, which cause car tops to crush in when accidents occur.

With my over the top mirror there is also no logic to support the idea that we must choose between safety and style. We can have both.

Nor is there any reason why we must accept head on collisions the way we do.

C. The automobile industry

It is my charge and challenge that the auto industry does not know how to build my mirror which is the key to eliminating much that is wrong with present automobiles and which could be installed immediately.

I have written many letters to the auto industry explaining what my over the top vision is, and its potential to other safety problems. The proof of how little they know is evident when public statements are made coming from the auto industry, such as "The only safe car is a tank" and my receiving the following in a letter from Chrysler Corporation.

"Our information does not indicate that there would be any significant drop in the traffic accident situation even if the rear view mirror system were nearly perfect."

I reply publicly as follows:

"Mr. J. R. LEMON, Chairman,
"Engineering Improvement Committee,
"Chrysler Corporation.

"DEAR MR. LEMON: You are misinformed by your own inadequacies to know how to make correct over the top vision. On your new experimental car you treated 'over the top vision' as a gadget to install, where on a limited scale you would have an image appear on the instrument panel.

"I grant that this will not make a significant drop in accident toll, but as you know, you refuse to sit in my car and see that I have exceeded every concept you hold about over the top vision.

"I have such perfect vision on my car that I can block out all rear and side glass and using only the front windshield and my mirror device, I can make safe lane changes on a busy freeway at a pace no one with a conventional car could possibly achieve without having side swipe accidents. Thus my vision would prevent side swipe accidents and certain rear end crashes that occur when drivers take their eyes off the front road to lane change.

"But this is only the beginning. Can't you imagine that if I can block out all glass except the front windshield that my viewing becomes the key to building all seats to the roof to prevent whiplash and that these seats could also be partial wrap around to keep people from being thrown out of a car in a side collision?

"Mind you, Mr. Lemon, nothing inside my car is a viewing obstruction (including the passengers and anything I can install for safety protection). Can't you then imagine further that along with such high seats, I can install roll bars with hidden center braces in the high seats to keep tops from crushing in when cars roll over?

"You know very well that if you were to take your present Chrysler automobile and install high wrap around seats and center supported roll bars (as Republic Aviation now proposes on their car) you could not possibly drive it down an express way, for there would be so many blind spots from inside your car, you would have to give up the idea.

"Your error in indicating perfect over the top vision could not cause a significant drop in traffic accidents, and your refusal to find out that you are wrong is worse than shameful. It is murderous.

"What are you going to do about being so wrong? Will it be your method to try to protect yourself by trying to discredit me as so many have done when I show them to be wrong, or will you drive my car and if found to be all I say it is, will you immediately build a number of display models to test and show the public?

"What has happened to your creativity, your ability to lead the world in your product? You deserve your predicament. The motoring public does not and therefore it is unfortunate for all that you have to meekly take recommendations of G.S.A. There is nothing clever or original about any of their ideas which are only what the mechanical unimaginative would propose for auto safety. You are too weak to stand up and say so. I grant that some of what they say should have been on automobiles long ago, but some things recommended are nonsense.

"You have two years, as I understand pending legislation, to do something realistic about auto safety or the government will build a car.

"Why don't you take what I offer which would make amateurs out of those who would tell you how a car should be built? Thus the investigations would die.

"KARL E. SMITH,

"Box 167, Auberry, California."

D. Federal and private agencies searching for auto safety

It is my charge that not one of the 16 Federal Agencies and the 20 or more private ones given credit for searching for a safer automobile will look at a new safety discovery, no matter what proof is given of authenticity and scientific advance.

It is further my charge that the 16 safety recommendations the General Services Administration considers a priority list for auto safety (and recommended by Senator Ribicoff) are in some cases poorly conceived and in the case of mirrors completely wrong. I grant some of their recommendations should have been on automobiles long ago, but from a priority standpoint and with exception of doors and steering posts, none of the recommendations show any knowledge of what the most pressing problems for a safer automobile are. I point out the following:

1. Auto tops are now so flimsy that if the car rolls over people will be killed or badly injured.

2. It is also obvious that seats are only shoulder height so that a rear end crash results in a whiplash neck.

3. There is no protection for head-on collision originating from the basic crash. Attention now centers on what to do with people violently being thrown around inside a car after a crash occurs.

4. There is no protection for side collision.

5. If one drives such a car the first thing noted is that there are blind spots in the rear and side vision.

Anyone who cannot recognize these obvious faults and realize that predominantly such is causing our horrible death and injury toll should not be the ones to make up priority lists for auto safety changes.

Anyone who thinks there are no known immediate solutions to the above and recommends lesser safety features in lieu of not getting at the real problems is hardly a credible expert.

Anyone who deliberately suppresses solutions to the above and also is not interested in a solution that would prevent certain accidents from ever occurring, should be eliminated from auto safety programs.

The following received is typical of the apathy most of my efforts to have the 16 Federal agencies appraise my invention receive:

"NATIONAL SAFETY COUNCIL,

October 21, 1965.

"MR. KARL E. SMITH,
"Diamond Dude Ranch,
"Lakeshore, California.

"DEAR MR. SMITH: I have a copy of your October 19 release concerning your traffic safety suggestions and developments containing your penciled note to me.

"It is always nice to hear from you and to learn of your development in the traffic safety field.

"Thank you for your interest in traffic safety.

"Sincerely,

"DANIEL G. REYNOLD,

Director, Traffic Operations Division."

Also my files contain the series of events wherein when I first wrote to Senator Ribicoff he asked General Services Administration to appraise my car.

General Services not only did not do so, but gave the Senator completely false, misleading advice about what could be done about it.

I not only proved GSA wrong, I accused them of knowingly misinforming a senator when life and death was the outcome and sent Senator Ribicoff copies of all my correspondence.

When GSA finally admitted their misinformation, the damage had been done and Senator Ribicoff has refused to correspond with me in nearly a year.

GSA also admits in a letter to me that they, like many others, cannot endorse private invention. Why not, I would ask, for hasn't the highway tragedy become serious enough that all solutions should be sought instead of ruling out private invention? Was it not the private inventor of a few years ago who solved much of what we use today? Is only corporate teamwork the recognized authority?

E. The U.S. Senate subcommittee investigating auto safety

It is my charge that Senator Ribicoff, members of the U. S. Senate Sub-Committee investigating auto safety, and Jerome Sonosky, Chairman of the Senate Sub-Committee, know that I have an extremely effective device, know that no safety expert will look at it and yet won't allow me to testify concerning it. I was by-passed at the auto hearings last year and I quote the following letter as proof of what is to happen for the present.

"UNITED STATES SENATE,
"Committee on Government Operations,
February 15, 1966.

"MR. KARL SMITH,
"Box 167,
"Auberry, Calif.

"DEAR MR. SMITH: Thank you for your recent letters to myself and Mr. Jerome Sonosky, Chief Counsel and Staff Director of the Senate Sub-Committee on Executive Reorganization.

"Let me assure you that I have examined the copies of your correspondence with Senator Ribicoff, etc. I have also been in touch with Congressman Sisk who confirmed the fact that he had tested your specially equipped automobile and found it measured up to all your claims.

"Because of the heavy demands of the legislative schedule, Mr. Sonosky doubts that there would be an opportunity to schedule your appearance as a witness before the Subcommittee this year. If you wish, you might submit a statement in writing which we would be happy to include in the printed record of our hearings.

"Sincerely yours,

"PHILIP S. COOK,
"Profession Staff Member."

It is my contention that if I were allowed to testify I could electrify the country with a new safety idea. I believe further that having done this, the auto industry could not longer insist everything possible is being done for auto safety, many government sponsored programs would not continue searching for solutions to problems that are already solved, and the federal government would not require outside mirrors as a standard for the auto industry to comply with. The search for a safer automobile therefore would be a lesser problem.

Having received the above letter, however, it becomes obvious that Senator Ribicoff will not act now on present solutions being ignored to advance auto safety. I realize he has a plan to make it possible for inventions such as mine to be recognized in the future, but I charge him to face the following reality:

If there are 16 Federal and 20 or more private agencies, plus universities and others who are now committed to investigate new concepts and won't do it, by what logic is one supposed to believe that creating new agencies is going to be any better or that they will act upon new concepts even if they review them?

I propose the idea that past mistakes in the search for a safer automobile also occurred in deciding who and what constitutes an auto safety expert.

F. The New York legislative auto safety program

The San Francisco Chronicle, on February 4, 1966, printed a drawing of proposed car submitted by Republic Aviation in which it is said New York would like the Federal Government to share in the estimated cost of four million dollars to perfect and build the prototype. To quote the "Chronicle": "Ribicoff welcomed the New Yorkers as 'real pioneers' in the field of traffic safety public policy."

I charge that Senator Ribicoff, who refuses to look at my prototype car already built to prove what is mechanically possible in auto safety, has no logical reason to call people safety pioneers who can produce only theory in the form

of a drawing. By what I have produced in actuality I am a safety auto pioneer who should be allowed to testify as to what I have produced.

I contend that anyone can draw a sketch of a car as Republic did with seats to the top and roll bars with center braces, but to propose such a car and not know why such proposals have failed in the past cannot be called pioneering.

I contend that over the top vision Republic sketched on their car unworkable. It is entirely wrong to give money to try to develop a periscope and not look at a solution that far exceeds a periscope. Republic Aviation also refuses to look at my car and learn of my safety advances.

Because Republic Aviation has submitted a drawing of a periscopic mirror on top of a car or possibly because my mirror invention was erroneously labeled "periscopic", I now find some of the very experts who have publicly stated we need two fender mirrors now stating publicly that we need a periscopic mirror. A periscopic mirror is the wrong idea. Such cannot possibly give enough side vision to do the things my mirror does. What we need is a full-sweeping, panoramic, undistorting rear and side vision mirror so effective that a passing car can protrude ahead of a vehicle while the rear-end can still be seen in the backward mirror. We need this, not only for the vision, but for what such perfect rear and side vision makes possible in other safety features described.

G. State of California auto safety program

California has a large Auto Safety Research Program. Knowing Governor Brown personally, I suggested that he could gain national publicity for himself and help auto safety if he would have a picture taken of himself driving a new auto safety discovery. I also asked him if he would not have the California Safety Council give my car a thorough test. I was completely refused in both requests. Not having received Governor Brown's backing, I drove my car to Sacramento to see his traffic safety engineer and was told he would not endorse a private invention.

One of Governor Brown's newly appointed safety council members lives less than thirty miles from me and will not look at my car.

H. Universities receiving grants of money to investigate auto safety

It is my charge that the auto safety reserach departments of Cornell, M.I.T., University of California, University of Minnesota, University of Michigan and Wayne State, who receive grants of money to investigate auto safety will not look at my safety discovery, regardless of the proof I send them that it merits scrutiny, and because they will not, I charge that they are not diligently searching for a safer automobile. As such I feel their research amounts to no more than their own inadequacies to the problems of a safer automobile.

I. Randolph Hearst, Jr., president of President's Committee on Traffic Safety

I suggested to Hearst that since Nader had unmercifully "spanked" him and his safety committee for nearly 15 pages in his recent book "Unsafe at Any Speed", Hearst, by driving my car and ascertaining it is all I say it to be, could redeem himself, help me, help humanity, by arranging for me to testify at the Senate hearings. He refused.

J. Auto safety being second in importance to Vietnam

President Johnson has said auto safety is second in importance to Vietnam.

Since I have been so completely rebuked by every safety official, I felt it was not pretentious to write to the President and tell him of my plight.

All direct approaches either through telegram or letter seemingly get intercepted by subordinates and are kept from him.

My latest attempt to reach the President was through Bill Moyers, Presidential Press Secretary. The following ensued:

"U.S. DEPARTMENT OF COMMERCE,
"BUREAU OF PUBLIC ROADS,
"Washington, D.C., March 22, 1966.

"MR. KARL E. SMITH,
"Box 167,
"Auberry, California.

"DEAR MR. SMITH: Mr. Bill Moyers has asked me to reply to your March 16 letter concerning your 'over the top vision' device for automobiles.

"We are aware of no agency in the Federal Government having the means or authority to evaluate or otherwise assist in the development of your device.

"Proposed legislation presently before the Congress deals in part with the establishment of safety standards for automobiles and equipment. Whether it will offer any assistance to your situation and others of similar nature in the future is not known at this time.

"Sincerely yours,

"REX M. WHITTON,

"Federal Highway Administrator."

K. Senator Kennedy

Senator Kennedy refused my many requests to look at my mirror concept, yet wrote for the need of outside mirrors on autos in Popular Science magazine. Thus he becomes still another to retard auto safety from a mechanical standpoint by ignoring new scientific advance and demanding the archaic.

L. Ralph Nader

The proof of my files with actual letters from many prominent men concerned with auto safety would not only substantiate much of Ralph Nader in his book "Unsafe at Any Speed" but would prove in some cases he did not go far enough in his expose. Many he lauded, by proof of my files, should also have been discredited.

As remarkable and needed as Nader's testimony was, one must not forget, however, that his forte is only as a critic and not as a creator of mechanical solutions for auto safety. In his book he, as so many do, also recommends more outside mirrors for autos which not only is not a solution to anything but is the very cause of keeping auto safety progress from advancing as it should. I've tried also to tell this latter to Nader, but he won't answer me.

M. Personal

1. I have worked for four years on this without salary and have spent \$16,000.00 of my own money to develop, pay legal fees and try to get someone to appraise my work.

2. I believe I have done everything possible within my resources to try to interest some official to look at my invention. Yet for all the publicity received, more than 250 personal letters to every safety official I could find, a challenge to all safety people to show a car with greater safety potential than mine, I have yet to get anyone in the automobile industry or safety research field to even look at my car.

3. For two years I have been denied the opportunity to testify before our Senate Safety Hearings where my invention could get the publicity it so rightfully deserves.

4. Without safety officials looking at my car, I have, in some cases, been discredited and made to appear foolish. (One highly recognized authority who will not look at my car even wrote that I was "sick" and should apologize to everyone for my attempts to be recognized.)

5. Since the above constitutes our search for a safer automobile as it affects my contribution, in order to save lives, seemingly I must do the only thing left, which is to see if automobile industry in other countries are interested in appraising my ideas.

In the meantime, I hope political investigating committees realize their correct job is to make certain creativity for a safer automobile is possible instead of being a part of the opposition that creators of something new must always encounter and the automobile industry realizes that the era of forcing the public to drive unsafe cars and the excuses given why we must, is about over. If they cannot build an effective safety car, someone else will.

Mr. ROGERS of Texas. Thank you, Mr. Smith.

Mr. MACDONALD. No questions.

Mr. ROGERS of Texas. Mr. Younger.

Mr. YOUNGER. Thank you Mr. Chairman. Mr. Smith is from our great State of California. I think this committee will furnish a vehicle by which advances such as yours can be brought to the attention of the public.

Mr. ROGERS of Texas. Mr. Mackay.

Mr. MACKAY. The bill which we have to establish a national traffic agency envisions a specific point in the Federal Establishment where you can bring such an invention. That is our case for the agency. I think your experience today has been helpful.

Mr. SMITH. May I comment on that, sir, to this extent. Realizing that I am a private inventor who has very limited finances, I have no way to contact these people other than to write. I am trying to save lives as quickly as I can. Therefore, I have made this challenge. It takes a lot of nerve, but I feel my mirror is this good, and it is for this reason that I make this challenge, trying to bypass the process of waiting for someone to create an agency that can look at this device.

Mr. FARNSLEY. Is there a clear window behind it?

Mr. SMITH. There could be a window behind the car. I left it out on purpose. Just as I could block out all the side glass. I was only proving a point. That is what this particular device does; it proves a point. I wish that I had the money to do another one and to do it more perfectly or that someone could go ahead with what I have. I have done as much as I could. I have spent \$16,000 on this of my own money. For me I have done as much as I can possibly do.

Mr. FARNSLEY. Thank you.

Mr. ROGERS of Texas. Thank you very much, Mr. Smith, for your contribution.

Our next witness is Mr. Haskell B. Schultz, of Fort Wayne, Ind. Do you have a written statement, Mr. Schultz?

STATEMENT OF HASKELL B. SCHULTZ, FORT WAYNE, IND.

Mr. SCHULTZ. No. I want to thank you for this opportunity to talk to you on traffic safety. I have sat here for almost 2 days. I am almost brainwashed to the extent that I almost forgot what I am here for.

I am president of the Fort Wayne Safety Cab Co. We have been operating for 37 years. Thirty years ago we adopted an accident prevention program which has been in existence since then, very successfully, and it has been adopted by many other taxicab companies in the industry.

The taxicab industry is an exact proving ground for accident prevention methods because the exposure is great and the concentration of miles is high, and it does not take very long to prove an accident prevention program.

The fact that the Federal Government has found it necessary to take on the responsibility of trying to regulate traffic is indicative that the traditional concepts cannot be correct because if the traditional concepts of accident causes are correct, there wouldn't be a problem.

Here are three components of traffic safety, traffic accidents. One is the driver. Two is the car. And three is the authority. From the standpoint of the general problem, the driver's mentality, his emotional makeup, his skill, his judgment are of very little consequence to the problem of accidents. As he is today he is satisfactory and no change is necessary. By that, I mean I disagree with any concept of driver error, driver weakness, driver frailty.

From the standpoint of accidents in general, there is nothing wrong with the car. There may be an argument about intensity of injury, but from the standpoint of accidents, it has very little value.

The driver has been subjected to heat for many years. The manufacturer until just recently seems to have been exempt. If there ever is a successful accident prevention program, it has to come from the authority. The fleet operation authority is management. In general the authority has been the safety professionals. To date the record indicates that they have not been too successful. So the authority has to be the Government. When you have the responsibility of 100 million drivers, the responsibility has to be Federal Government. Since 1936 I have been trying to convince authorities, safety authorities, of a reliable accident prevention program without success for two reasons.

One is that most safety people with whom I have spoken are so convinced in their own concepts, they believe that they know the answers to accident prevention, but the driver just does not cooperate.

The other is that the principles that I have advanced are an oversimplification, they are too simple.

In 1945, with due respect to Mr. Cunningham, I published a book. I want to just read something in this book:

Contrary to general belief, reckless or careless driving is not a major cause of automobile accidents.

Much unwarranted discredit is directed at the motorist in this regard. By far the greatest percentage of motorists are experienced drivers and good drivers. They do not drive around the streets intent on maiming the innocent. On the contrary, they take great pride in their ability as automobile drivers.

Last year I had a minimal of success in trying to interest authorities in my program. I went to the Safety Division, to the people of the Safety Division of HEW and convinced them enough to secure an appropriation for an independent investigation of my program. They commissioned Professor Perloff from Purdue University, professor of psychology at Purdue University, to make an investigation. He made several trips to Fort Wayne and studied our program. He went to Philadelphia three times and investigated the program there which we had introduced several years ago, and wrote a very favorable report of this program.

In addition to the investigation in Philadelphia, he checked on a control test we had conducted there. One thousand drivers who had been driving taxicabs in Philadelphia 1 year and less who were the lesser experienced drivers, were instructed in the method of our program. The two thousand drivers who were more experienced were not instructed.

Historically, the less-experienced drivers were responsible for higher claims than the more experienced drivers. After 20 million miles of driving under, of course, the same driving conditions, the same time, the less experienced drivers reduced their claims by 57.9 percent and the older drivers increased their claims by 30.6 percent.

Mr. ROGERS of Texas. Mr. Schultz, how much longer is your statement?

Mr. SCHULTZ. Not very long.

Mr. ROGERS of Texas. You will have to finish it in a very few minutes because the Chair does not wish to violate the rules. Under

the rules you are supposed to file statements with the committee in writing when you appear. I presume you did not know that, so if you will, hurry along with your statement.

Mr. SCHULTZ. Here is a pamphlet which has been published by the American Trial Lawyers Association. It states here that:

It is an undeniable fact that the Federal Government has no plan in existence to cope with this problem which constitutes a major national detriment to our economy.

It says again:

The radio-television, national magazines, and all of the media which publish information owe a duty to educate the public and to disseminate the facts of safety.

On the other hand it says there isn't any plan. On the other hand, it says there is.

Now our program that we have adopted concentrates on accidents that can be prevented. I want to read here from Accident Facts. The principal kinds of improper driving in 1963 were in fatal accidents, speed driving, driving left of center line, and failure to yield right-of-way. Injury accidents, speed, failure to yield right-of-way, and following too closely. All accidents, failure to yield the right-of-way, speed, and following too closely.

Now here we have five accidents that amount to the most serious problem. Speed is not a cause of accidents. Neither is crossing the center line. There are other causes for accidents other than speed.

To rush, I have a written statement here. I want to elaborate on three kinds of accidents that can be prevented that account for 65 per cent of all the accidents in a city. Intersection accidents. Intersections in residential areas are mostly from 25 to 30 feet wide, stopping distance charts show at 20 miles an hour it takes 50 feet to bring a car to a stop. This is a typical traffic incident. A driver is approaching an intersection at 20 miles an hour and reaches a point 25 feet from the corner. Now it is going to take 50 feet to stop and the street is 25 to 30 feet wide.

He cannot possibly bring his car to a stop until he practically crosses the intersection. Another car approaching from the left or right under the same circumstances also would be unable to stop and there will be a collision.

Similarly at 10 miles an hour it takes 25 feet to bring a car to a stop. If two cars reach the intersection at the same time, neither one will be able to stop in time. The question is how do we prevent these collisions.

Referring again to the stopping distance chart, we find at 20 miles an hour one-half of the stopping distance of 50 feet is consumed in transferring the foot from the accelerator to the brake pedal and the other half applying the brakes. All the driver has to do to prevent this kind of accident is to transfer his foot from brake pedal 50 feet from the corner. When he reaches a point 25 feet from the corner, when the other car comes into view, his foot is on the brake and he is one-half stopped. Depressing the brake pedal he completes the other half of the stopping distance to the corner yielding to the other car to pass in front of him.

Mr. ROGERS of Texas. Mr. Schultz, we have been over so much of this. Could you not file the written statement with the committee for

consideration so that we can move along? We have been here quite a while. I think we had better let the committee members ask you questions at this time.

Mr. SCHULTZ. I have been 2 days here, too.

Mr. ROGERS of Texas. We have been here several days. I have sat here until 7 o'clock some nights. I certainly don't want to impose on any witnesses nor keep them from being heard. I don't think we ought to have repetition of a lot of things that the committee has already heard. We have a lot of witnesses from all over this country. Some of them have been here for a lot more than 2 days.

Mr. Macdonald, do you have any questions?

Mr. MACDONALD. I wish to make one observation, Mr. Chairman. I have said some perhaps unflattering things about the automobile industry not spending some money for research on safety in autos, but I hardly believe you have put much thought, even if you did write a book, Mr. Schultz, into this when you say that the drivers of automobiles don't cause accidents. It would seem to me perfectly clear that the majority of accidents are caused by a careless driver. The degree to which he is hurt perhaps is due to the automobile, itself. But for you to say that neither the driver nor the automobile is to blame and that the authorities by some reason I have not been able to figure out yet are to blame, seems to me to be highly doubtful.

Thank you, Mr. Chairman. That is all I have.

Mr. ROGERS of Texas. Mr. Younger.

Mr. SCHULTZ. Let me answer his question. Many records by statisticians, by the National Safety Council, indicate, and here is one right here, 8 out of 10 people who have had accidents have had no previous accidents. Four out of five were obeying street lights. Over 90 percent of the drivers were average, good drivers, and they had 85 percent of the accidents.

Mr. MACDONALD. Let me respond to your question—to your reply to my question by saying to you if you want to make an experiment you come out to Route 1 in my district in Massachusetts. If you go over that halfway line that you say does not cause an accident I will guarantee you within 2 months you will be in the hospital some place.

Mr. SCHULTZ. I am not saying that there are other cases. Momentary distractions may cause you to go over the line. An act on an impulse may cause him to go over the line and he may get sleepy.

A man does not drive over the line just to run into someone else. There are causes which cannot be prevented. Momentary distractions cannot be prevented.

Mr. MACDONALD. I have no further questions, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Farnsley.

Mr. FARNSLEY. Just right quick, you mentioned the No. 1 thing. What was your No. 2?

Mr. SCHULTZ. No. 2, at stop streets, one of the major causes at stop streets is stopping at the crosswalk. Easing into the intersection, looking both ways before he crosses is wrong. At a stop street the driver should be out beyond the curb line, in the parking lane as far as he can get.

Our drivers have traveled almost 4 years, 12 million miles and have not had one of these accidents because he is out far enough where he can see. The law that requires the person to stop at the stop street again is dangerous.

The other is following too closely. That is not a reason for not having an accident. That is a rule. People don't follow rules. The reason is that when a driver is too close, the front driver starts to stop, his foot is on the brake.

At the moment the rear driver takes his foot off the accelerator. When a man's foot is on the brake he is half stopped. That is the reason why a driver should not be too close. When they just make rules of staying one car length for every 10 miles an hour, that is not enough.

Then if the Federal Government undertook a program to intelligently advise every driver about following too closely and the reason for that—for not following too closely, that alone can reduce the accidents.

Now there are three accidents that can solve the entire problem. Interaction accidents, the stop street accidents, and front-end accidents. These three are 65 percent of the total accidents. Crossing the highway, every single day people are killed crossing a highway because they are conditioned to stop too far back.

If they learned to stop close enough to the highway they would see both ways. This way they are so far back they think they have a good view but they have not. A car going 60 miles an hour cannot stop within 200 or 300 feet. In the highway the front-end accident is the No. 1 cause.

Between these three accidents, the front-end accident, tail gate, in the city and unregulated intersections, at stop streets, crossing highways, these are enough to make a big difference in the total.

If the Federal Government adopted a program of instructing and educating people that would be sufficient to reduce the totals from what they have been. But this business of—I don't see how you are going to change by licensing rules, standards of procedures, mandatory physical license examinations, those are all right but they are not the answer.

The answer is in accident prevention methods, and the people don't know these methods and we have probably employed 10,000 drivers in our company and others in the country and they don't know how to safely drive in intersections.

Mr. ROGERS of Texas. The time of the gentleman has expired. If you have anything you desire to file with the committee clerk you may do so and it may be received for the files of the committee as may be appropriate.

Our next witness is Mr. C. Stivers, president of the Motor & Equipment Manufacturers Association accompanied by Mr. Earl Kinter.

STATEMENT OF H. C. STIVERS, PRESIDENT, MOTOR & EQUIPMENT MANUFACTURERS ASSOCIATION; ACCOMPANIED BY EARL W. KINTNER, GENERAL COUNSEL, AND WILLIAM A. RAFTERY, EXECUTIVE SECRETARY

Mr. STIVERS. Mr. Chairman and members of the House Interstate and Foreign Commerce Committee, my name is H. C. Stivers. I have been actively engaged in the automotive industry since 1935 and am presently vice president of the AP Parts Corp., a major manufacturer of automotive parts.

The parts we manufacture include mufflers, tail pipes, various exhaust system accessories, shock absorbers, piston rings and related parts for the automotive industry. We manufacture these parts for both the replacement and original equipment fields.

I am also president of Motor & Equipment Manufacturers Association, an association of some 580 independent manufacturers of parts and equipment for the automotive industry. Collectively, the association represents a major portion of the automotive service industry which manufactures the automotive replacement parts distributed through hundreds of thousands of service stations, garages, and other related outlets.

It is in this capacity I am here today. I am accompanied by Mr. W. A. Raftery, executive vice president of MEMA and Mr. Earl W. Kintner, general counsel.

If a comparison in this multibillion-dollar service industry were made between the participation of the new car industry and the independent parts industry, the figures would show that 70 to 75 percent of all vehicle repairs and parts distribution are handled through the independent channels of distribution.

The balance, or less than 30 percent of the Nation's automotive replacement parts, are supplied through the new car manufacturers and their individual dealerships.

We mention these figures to emphasize the independent manufacturer has achieved an important role in our total transportation industry and is accepting the major responsibility of keeping the 70 million cars on our highways in safe operating condition.

The very nature of our business has kept us keenly aware of the Nation's highway safety problems and many of our members, individually and through our various associations, are making major contributions to many safety programs.

Indeed, we feel we can say with some pride that our segment of the industry has been in the forefront in developing many of the important innovations in the safety area.

I am pleased to have this opportunity to present the views of our industry, because we feel our experience and knowledge can contribute materially to this investigation.

First let me say that I think the present investigation of automobile safety is one of the most hopeful and constructive developments in our industry in many years—possibly in its lifetime.

If the automobile is to maintain its position as the major method of transportation in these United States, then we must do everything to keep the motoring public operating swiftly and safely.

Unfortunately in the past several years the need for speed and economy often in the minds of the motorists has seemingly superseded any real regard for safety.

On the other hand, no one can conceive of the millions of cars in this country moving at a snail's pace in the interest of safety alone. This in itself would undo the progress the American transportation system has made in the past 50 years.

Since there is no going back, increased safety must be attacked on the realistic levels set forth in the Traffic Safety Act of 1966.

Within the act we see a great deal of wisdom in asking for a step-up of safety engineering, on the premise that improvements are indeed

possible and a great many lives can, and undoubtedly will, eventually be saved by their inclusion in new car design.

The importance of new car design features to highway safety is undoubted. But we want to bring to the attention of Congress the perhaps even greater importance of safety performance standards in used cars keeping pace with the intent behind the present new car safety legislation.

Specifically, proper attention must be given to maintaining older cars in line with appropriate safety needs. Therefore, to the extent that safety features are necessary, these features should apply with equal stringency to the maintenance of the cars on the road.

In short, we believe that every car on the road should be brought up to performance standards of safety which will prevent accidents. We believe over 50 percent of the cars presently on the road do not come up to those safety standards—due to normal wear and debilitation during the car usage which are not properly corrected as they develop.

Ever since President Johnson released his original transportation message, the entire Nation has been faced with the most amazing mass of headspinning statistics we have ever seen in our lives.

These statistics—the best we have available and all gathered from a hundred sources—have been calculated to prove the point that safety is needed, and in as many different directions.

Some, for example, have attempted to prove that the vehicle should be made safer so that the tragedy of an accident can be minimized. This is to assume, and perhaps correctly, that a great many accidents are inevitable because of the vast numbers of automobiles traveling on our highways and the speed at which they travel.

However, attacking the problem of vehicle safety solely from the standpoint of built-in features to minimize the intensity of impact, is in itself a passive and certainly a long-range approach to the problem.

It assumes that accidents are inevitable and directs energies toward making them less tragic.

As logical as this approach may be, the evidence we have available is far from conclusive, too, as to how each specific feature will contribute again to the overall problem, and exactly on what basis standards could be established.

This approach also neglects the problem of the nearly 30 million cars already on the highways with worn parts and dangerous safety defects.

Our lack of information may also lead us toward misconceptions in other areas of safety. I cite figures released by the International Bridge, Tunnel & Turnpike Commission, which states that 11 percent of the accidents were due to vehicle failures.

A more recent report from the Harvard Medical School suggests the figure may be as high as 50 percent—significantly close to the percentage of cars found with defective parts in State compulsory inspections. The real point, I think, is that vehicle defects are important but to the exact extent we just don't know.

The same is true when we consider the often quoted National Safety Council report that 90 percent of all accidents involve driver error.

To accurately define these accidents it would be necessary to know how many were compounded by faulty vision because of a poorly op-

erated windshield wiper, or a dirty wiper blade, or because of worn brakes that failed to respond when the driver needed extraordinary quick action to correct his misjudgment.

How many of these accidents were caused by the drowsiness of the driver from carbon monoxide seeping thru the floorboards from a rusted muffler that made his responses inadequate and then were written off in the statistical column as "driver error"?

The lack of standard investigating and reporting systems makes each of these figures suspect and of little value in determining the real cause of our increasing fatality rate.

For this reason, we must heartily endorse that part of the President's 1966 transportation message asking for research testing and development and for the establishment of a traffic accident and injury research test facility.

It would seem this may well be your first legislative business in order to serve as the guide for whatever performance standards may be required.

Our final recommendation deals with the third section of the act and the more specific area of State mandatory vehicle inspection programs. I previously made mention of the estimated 30 million cars on our highways with worn parts and vehicle safety defects.

This estimate is taken from the reports of the 21 States now enforcing mandatory vehicle inspection laws that state nearly one-half of all cars fail their safety inspection the first time through.

The success of these States in detecting and correcting these defects before they become accident statistics, clearly indicates the importance of vehicle inspections to our total highway safety program.

The need for Federal attention and assistance to the States is indicated by the fact that 29 States still do not have inspection laws.

In fact, despite all the evidence presented to these 29 States, there has been no single program that has met with more constant resistance by local legislators.

This attitude is understandable, perhaps, but hardly justified when you consider the sacrifice being made in human lives.

It is not a popular idea to be required to bring your car in periodically to assure the State and society at large that you are not driving a potential lethal weapon. It is also almost academic that every motorist thinks he knows his own car. He thinks he knows exactly how it will respond in every situation, and not until that tragic second of decision does the realization burst upon him that his car was not in top condition.

Brakes wear out and greater pedal pressure is needed without the driver being aware of it—shock absorbers lose their effectiveness and the car wanders so gradually that the car becomes almost out of control without the driver becoming aware of it—exhaust systems can fail, and lethal, odorless, colorless gases can begin to permeate the vehicle without the driver becoming aware of anything beyond the fact that he is not feeling particularly well that day and has a touch of a headache.

After many thousands of miles of hard driving an automobile becomes an entirely different vehicle from the one that was delivered by the original manufacturer. This will happen regardless of addi-

tional safety features, and when it does, gentlemen, I suggest the responsibility passes from the original manufacturer to you, as legislators, to our State legislators, and certainly to the motorists themselves to insist that each State enact a uniform mandatory inspection system that will maintain the vehicle at optimum safety levels.

To illustrate what results we might expect should all States join an inspection program, let me cite a report of the Harvard Medical School describing their studies in States that already have inspection underway.

When presenting the report to the American College of Physicians, Harvard's Dr. Robert Buxbaum stressed that the inspections in these States "exert a preventive effect on mechanical failure."

He then offered statistical evidence that these same States actually have considerable lower death rates than do States without inspection programs. His figures proved that the reduction in deaths ran from one-half to one-third of those in the rest of the Nation.

In your own District of Columbia in the 5-year period before a compulsory inspection law as enacted, there were 491 fatal traffic accidents. In a 5-year period immediately following the inspection law, this was reduced to 380—a 22 percent decrease in fatalities—while the average population was increasing 34 percent during the same period!

An here, gentlemen, is a more startling figure. In the 18 years between 1946 and 1964, the percentage of vehicles failing to pass on first inspection has never been less than 42.58 in 1964 and ranged to a high of 67.71 in 1946.

Two-thirds of the cars on your highways in the District of Columbia in 1946 were unsafe and were potential accident causers.

In the State of New Jersey in the 5 years before the inspection law, the deaths per 100 million vehicle miles averaged 16.67.

After the inspection law, deaths were reduced the first year to 8.21, less than half, and has continued to reduce. By 1962, the average was only 3.05. That same year the vehicles failing to pass on initial inspection were ranging from 53.40 on models manufactured prior to 1953 to 24.55 of automobiles manufactured in the current year of 1963.

In the State of Pennsylvania, a statistical summary of motor vehicle inspections as of August 30, 1965, covered 1,084,360 inspections. Fifty-four percent of the vehicles inspected needed repairs that would keep them in safe operating condition!

Required repairs were brakes, 55 percent; exhaust systems, 16 percent; steering, 11 percent; wipers, 7 percent, and so on.

The average cost of these repairs, adjustments and inspection fees for all vehicles tabulated was only \$7.71. This, gentlemen, leads up to another point I would like to make—in practically every State legislature when the subject of compulsory vehicle inspection has come up, the huge resistance has been on the basis of private profit—that all motorists would be subjected to a gouging—that unnecessary and unneeded repairs would be forced upon the motoring public.

I am sure that there were some cases that would justify this sort of complaint, but they were so isolated and sensationalized that in many States the sincere need for highway safety was completely obscured and lives were unnecessarily sacrificed.

The \$7.71 figure per automobile to put them in safe driving condition in the State of Pennsylvania points up better than anything I

could say how very cheaply, how very economically, we can take a great stride toward making our highways safe.

It is my very strong feeling that a uniform code of car maintenance and vehicle safety should be endorsed by the Federal Government, to the end that the same standards of safety be observed throughout the United States.

Strongly indicative of the need for Federal encouragement in such State inspection programs is the fact that in 1965, of the 29 States which did not have compulsory motor vehicle inspection laws, all but two (Tennessee and Washington) considered such legislation. Twenty-seven of these States refused to enact legislation. Only in North Carolina did the program pass.

The need for Federal assistance in promoting vehicle inspection can also be illustrated by looking at the results of the voluntary national vehicle safety check sponsored nationally by the Auto Industries Highway Safety Committee and Look magazine, in cooperation with the Association of State and Provincial Safety Coordinators.

The safety check was held in States which do not have inspection laws. During these checks almost 3 million (2,882,321) vehicles were checked; 408,391 were rejected, or a percentage of 1 out of 7 being found unsafe.

We must assume that since this check was voluntary, that these motorists were in the highest bracket of safety-conscious motorists. I think it would be safe to also assume that the percentage of 1 in 7 failures would rise very sharply among the vehicles which were not checked in those same areas.

I see no method other than a federally endorsed inspection program to establish safety standards that will allow people to drive with the same relative safety throughout the United States.

The nature of the defects found in this voluntary check were also most revealing. They were parts which could contribute tragically to highway accidents and which, in many cases, are of a type the motorist would least likely be aware of.

	<i>Number of defects</i>
Rear lights.....	104,406
Front lights.....	71,511
Stop lights.....	66,494
Front turn signals.....	48,132
Rear turn signals.....	45,536
Brakes.....	40,564
Exhaust systems.....	33,532
Tires.....	33,019
Windshield wipers.....	22,889
Glass.....	16,931
Horns.....	16,160
Steering.....	15,970
Windshield washers.....	7,322
Rear view mirrors.....	6,346

All inspections were conducted during the peak driving months of May and June.

In summary, these are our major recommendations:

First, we believe that new car safety standards are important and necessary but when considered in terms of immediate savings of lives

and the interest of true safety to all motorists, they do not carry the urgent importance of proper maintenance of cars already on the road.

Second, we believe that Federal legislation governing automotive safety standards should be based on careful empirical studies of this complex subject, with maximum attention to the maintenance of vehicle performance once the car is on the road.

To the expeditious attainment of this end, we offer the enthusiastic assistance and cooperation of the manufacturers of automotive parts.

Third, and in keeping with the previous statement, it is our belief that an immediate savings of lives can be achieved through mandatory State vehicle inspections. We urge Federal support of the various States in establishing a uniform inspection program.

We also believe that the Federal Government should encourage, by all possible means, State legislatures to enact an inspection program into compulsory motor vehicle inspection laws for the protection of all motorists.

As an industry, we are fully capable of responding to the challenge of providing automotive products which will make America's cars safe. As a nation, we do need guidance and assistance to help us recognize and enforce the responsibilities of the individual motorist.

Thank you.

Mr. ROGERS of Texas. Thank you, Mr. Stivers.

Mr. Macdonald?

Mr. MACDONALD. No questions.

Mr. ROGERS of Texas. Mr. Younger? Mr. Mackay?

Mr. Stivers, if you have any further information you want to submit, you may do so.

Thank you very much for your presentation.

Mr. STIVERS. Thank you, Mr. Chairman.

Mr. ROGERS of Texas. The next witnesses on the list are from the Automotive Service Industry Association. They had to leave and they have been rescheduled and their place has been given to Representative Bill Williams of the Georgia General Assembly Committee on Traffic Safety, as I understand it. The Chair will recognize Mr. Mackay to introduce him.

Mr. MACKAY. Thank you very much. We also have our colleague, Congressman Stephens, here, who is interested in their appearance.

Mr. Williams, will you take your place there? I will ask your associates if they will come up and sit with you while I make a few remarks.

STATEMENT OF HON. W. M. WILLIAMS, CHAIRMAN, TRAFFIC SAFETY COMMITTEE, STATE OF GEORGIA GENERAL ASSEMBLY; ACCOMPANIED BY HON. WILLIAM A. SEARCY, MEMBER OF THE GEORGIA STATE SENATE

Mr. WILLIAMS. Mr. Chairman and gentlemen of the committee, I sympathize with you gentlemen for the long hours which you are putting in. We, too, in Georgia have public hearings to a lesser degree. Since the Colonel from Texas submitted proposals which were very similar to ours, I see no point in reading ours. If you will per-

mit, we would like to give it to someone to distribute. It is a statement from the interim study committee on traffic safety in Georgia, composed of four representatives, four senators, and four lay members who are not members of the general assembly, who are appointed by the Governor.

Our committee wishes to go on record as supporting the matching plan. In Georgia and in other States, we have the highway road-building funds and your Interstate System is financed 90 percent by Federal funds and 10 percent State matching funds.

In our deliberation over the years we have come to realize that there are three factors contributing to highway accidents, the road over which we travel, the human element involved, and the vehicle in which we are traveling. In Georgia we are not as fortunate as the senator from New York, who says that they have arrived. You know, we are in a peculiar situation. We have to go before the people every 2 years and be elected. We, too, passed the motor vehicle inspection law in 1964, which was according to the uniform code, but I don't think any member of the general assembly understood what the uniform code means.

When the people began to holler, with all due respect to the gentleman who preceded me, they felt they were being sold things that they did not actually need. So to salvage what part we could, we amended it in 1965. It is progressing.

What we need in Georgia, in our opinion, is someone to evaluate wrecks, to say what causes a wreck. Say the average officer, if he smells alcohol at the time on either the deceased or injured when he is rushed to the hospital, they say "driving under the influence." It could have been a fault of the vehicle.

We feel if the Federal Government, through grants-in-aid to the individual States, using the police forces, both municipal and State patrols, could give us the reasons why the wrecks are caused and we would have something then that we could sell our people back home and they would buy it because in Georgia last year, even with the motor vehicle inspection law, our accident rate jumped several thousand.

There were 1,361 people killed on the highways of Georgia last year. If it had been an epidemic of any kind that had killed 500 people, there would have been headlines in the Georgia press and everyone would have become alarmed. They take it for granted. I think another thing, the newspapers on holidays make the prediction that so many people are going to be killed. They have grown to accept it. We earnestly plead, we are not trying to sell you anything, we plead to make some Federal funds available.

The Georgia General Assembly accepted the highway beautification plan on billboards because we were getting a bonus from the Federal Government, or we thought we would. We have approached on our committee the three E's—engineering, education, and enforcement. In Georgia we have ordinary county courts that try traffic cases. We have municipal court judges, recorders of superior court and local county courts. The insurance companies have been very generous. They have made money available. We have continuing adult education in the University of Georgia and they have helped finance it to where we can get the different trial judges of the State to meet where

we can come to some uniformity on the *nolo contendere* plea where a man driving under the influence can keep his driver's license.

We have also compacts with all the surrounding States. If the driver's license is revoked in Georgia, South Carolina is made aware of it.

All the way through our deliberations, we have come upon the word "uniform." As I say, in Georgia we have the motor vehicle inspection code, but up until this year North Carolina had none. But the interstate commerce being such, I think if I have to inspect my car to ride over the highways of Georgia, the gentleman from North Carolina has the same right. They are Federal roads. I think he should have to have his car inspected.

I think it presents to you gentleman a wonderful opportunity because I feel that the people have become alarmed at the increasing death on our highways. I think this is a question that transcends party lines. In Georgia we don't have many good Republicans, but us Democrats even join with them on this.

Gentlemen, I hate to take up your time, but we appreciate the opportunity to appear before you.

Mr. ROGERS of Texas. Without objection, Mr. Williams, your statement will be received in the record the same as if you had read it in full.

(Mr. Williams' statement follows:)

STATEMENT OF HON. W. M. WILLIAMS, CHAIRMAN, HOUSE AND SENATE INTERIM COMMITTEE ON TRAFFIC SAFETY OF THE GEORGIA GENERAL ASSEMBLY

Mr. Chairman, for the past three years under the leadership and direction of the Honorable Carl E. Sanders, Governor of the State of Georgia, Lieutenant Governor Peter Zack Geer, Presiding Officer of the State Senate, and Honorable George T. Smith, Speaker of the House of Representatives, the General Assembly of the State of Georgia has created a joint, interim study committee which has been charged with the responsibility of formulating for Georgia a legislative program designed to reduce the ever increasing number of traffic accidents which have occurred within Georgia. Pursuant to the direction of this committee, there appears before you today a special subcommittee appointed by its chairman for the purpose of urging upon your committee the need for the United States Congress to create a national agency charged with the responsibility of formulating a plan designed to reduce the number of traffic accidents and the resultant tragic loss of life, limb and property which occurs daily within these United States.

The problem simply stated is that there are entirely too many traffic accidents occurring within the United States each year. I am sure that the committee is well aware of the astounding statistics which are available as they relate to traffic safety which dramatically illustrate the truthfulness of this statement. These statistics present tangible and irrefutable evidence that a problem of staggering proportions confronts the American people. No responsible individual will refute the argument or conclusion that something must be done to reduce the shameful loss of life, limb and property. Reasonable men, however, will disagree as to the correct and appropriate approach to solving this problem.

Without question, the existing structure of state and local government best provides the necessary vehicle and machinery whereby a concerted attack upon this problem might be utilized. However, the various state and local governments, although coming to grips with this staggering problem with varying degrees of intensity over the past forty years, have not been able to reduce or curb over-all the ever increasing velocity of the rate of increase of these astonishing statistics. The problem is not confined to the community, county or state level. It is truly a national problem of such vast proportions that, in the opinion of the committee, it requires at the national level an immediate and concerted effort to place into motion a resourceful and uniform plan for utilization by the states

whereby the reduction of the national loss of manpower and wealth, resulting from the death and destruction occurring upon our highways, might be drastically reduced.

The committee feels that with the proper assistance and leadership emanating from the national level, the existing machinery provided by the structure of state and local governments will be more efficiently utilized in a concerted effort to reduce traffic accidents.

It is incredible that the voice of the American public has been so calloused and complacent as to permit the slaughter and waste caused by traffic accidents to run unchecked for these many years. In the fields of communicable diseases, national defense and air safety, to mention only a few, dramatic and impressive results have been achieved by the creation of a national agency charged with the responsibility of providing effective leadership and direction to an all out effort to combat and solve the basic evils which these problems have presented to the American public.

The committee feels that now, at this time, the 89th Congress has a unique and unusual opportunity to furnish the necessary leadership and machinery for an unprecedented assault upon the complex problem of traffic safety which may not for sometime again present itself. As has occurred rarely in the past, the attention of the American people has been focused upon the staggering proportions of the problem; and it is the judgment of this committee that the American public will demand some attention to this problem from the national level.

Notwithstanding the invaluable assistance of private foundations, agencies and organizations and the expenditure of impressive sums of money, both public and private, which have been committed to the effort to reduce traffic accidents, the fact remains that the job is simply not being done by the present approaches to the problem. Nowhere do the statistics present a semblance of hope that, if matters are left to pursue their present course of events, the rate of traffic accidents will be checked, not to mention the crying and pressing need to have an immediate and drastic reduction in the number of traffic accidents. The committee feels that if the individual states and communities are left to fend for themselves, with a few commendable exceptions, the present trend of ever increasing traffic accidents will continue.

The committee feels the need for the creation of a nationally recognized agency to act as a clearing house for the collection, analysis and dissemination of data relating to traffic safety. The committee feels the need for the creation of such an agency with all of the financial backing, influence and persuasive ability which only a truly national agency might provide.

It would be premature at this time to prejudge the wisdom of the exact mechanics which might be employed as to how such an agency could be created, funded and administered. However, the committee would be unalterably opposed to the formulation of a national agency on traffic safety which would not function in concert and within the frame-work of the existing structure of state and local governments and which would not afford to these governmental entities an opportunity to discharge their inherent responsibilities in this area. What is most urgently needed at this time is the effective leadership and direction of purpose from the national level down to the state and local level in a uniform and concerted approach to the problem of traffic safety. The states cannot go it alone. Their efforts in this behalf can only be judged by past performance as a dismal failure.

The experience of this committee leads it to believe that with the assistance of the leadership which would be available through a national traffic safety agency there might be commenced the collection of the necessary data required for any intelligent and meaningful analysis of any problem of such vast proportions. Through such an agency, this data could be analyzed, evaluated and certain conclusions arrived at where there might be commenced a meaningful program in an effort to correct the more pressing problems immediately. Throughout the work of the committee in the gathering of background material, the committee has continually met with the repeated use of the word "uniform". The need for a uniform approach to the problem is an established fact. There is no need for, and indeed, there is no place for fifty different traffic safety standards in this day and time in which the motor vehicle has become truly a vehicle of interstate dimensions. There must be national, uniform traffic safety standards which can be prepared and advocated only from a truly national agency.

Finally, the committee is impressed with the fact that unless some incentive is offered whereby federally collected tax dollars might be funneled back into the individual states on an incentive basis the effectiveness of any nationally formulated plan of attack on traffic accidents will not be fully realized. To accomplish this end, the committee recommends that a national traffic safety agency be permitted to administer a system of grants-in-aid to those states which have adopted and conform to the national standards of traffic safety developed by such a national agency to financially assist such states in their programs directed toward reducing the number of traffic accidents.

The one most impressive fact with which this committee has been impressed during their investigation is that because of the staggering proportions of the problem, there can be no one panacea which, if adopted, will magically reduce traffic accidents. However, the committee feels that out of the hundreds of possible remedies available to combat traffic accidents the creation of a national traffic safety agency along the lines embraced within H.R. 12548, offers the most practical and efficient means of commencing a meaningful program to reduce traffic accidents and is an approach which is available to your committee and which directly addresses itself to your responsibilities here today.

Gentlemen, the enormity of the burden which befalls your task is appreciated by this committee, and perhaps more keenly so than by most others for we share your responsibility, to a much lesser degree, to the people of the State of Georgia. The problem transcends party lines, community lines and state lines. Fractionalism has no place in the consideration of possible solutions to this problem. This committee of the General Assembly of Georgia is desperate. We recognize the need for help and assistance of herculean proportions, and its immediate need; and while we may prefer one approach to the problem as opposed to another, we as a group and as individuals are committed to lend whatever support we may command to any effective, workable and meaningful plan which will reduce traffic accidents within our several states.

Mr. ROGERS of Texas. The Chair will now recognize Mr. Macdonald for any questions.

Mr. MACDONALD. I don't have any questions. I just would like to compliment the gentleman from Georgia for his presentation.

Mr. WILLIAMS. I would like to say to Mr. Macdonald, about 8 or 10 years ago we journeyed to Massachusetts on your compulsory insurance. Your man told us you don't want it; it costs too much. We have the uninsured motorist clause and we also have the driver's responsibility.

In Georgia, of course, we are trying to be an industrial State, but we are very much agriculture. We need the Federal funds. We had 1,361 people who were killed last year. God knows we want to do something about it. We feel that the Federal approach which would give some incentive to the States is our only salvation. We would like to urge you gentlemen to pass it.

Mr. MACDONALD. Just to correct the record, the gentleman you spoke to was not very well informed, because we have had compulsory insurance for a long time.

Mr. SEARCY. I would like to make one statement in response to Mr. Macdonald's question of a witness previous to us with regard to Federal control.

I realize when we make a statement about Federal control we are talking about a rather broad area of controversy raging in this country today, sometimes, unfortunately, in certain areas of the country.

We in Georgia, and I think I can speak for my constituents in the southern part of the State, are not fearful of Federal control. The States today are in a position where we need to do a great number of things, not only in traffic safety, but a great number of problems

that confront the States just like a great number of problems confront you gentlemen at the national level.

There will never be any end to problems. We will have to live with those as long as this country continues to grow and become great. We are not fearful of Federal control. We do need the money from outside the State's borders to assist us with programs we simply cannot afford to take on ourselves.

My personal view of traffic safety in general conforms to the statement that Mr. Williams has just summarized for you as our position in this matter. That is that primarily we need an intensified program of driver education governmentally administered. We have had voluntary associations, the National Safety Council. I think they do a good job, but we need governmental programs of driver education. The States are capable of doing this if we can get additional financing to do it.

I think I speak for my constituents in southern Georgia. I don't come to Washington and ask for Federal money and say don't come down and check on us to make sure that we are using Federal funds for the purpose that the funds are supposed to be expended for. I don't say don't come down and check on the highway program. We are trying to do what I believe you are trying to do in Massachusetts, to retain our State police jurisdiction. We want that. We want to keep that. We think we are doing a reasonably good job with the number of patrolmen on the road and the salaries they are being paid.

If we get some grants in setting up a Federal program that does not hamstring us or tie us or restrain us, we are capable in our State of doing it. We need a little financial assistance. We don't mind being audited and checked and that kind of thing. We are afraid ultimately if we get too far afield in this thing we will have a Federal police force in the State. I don't think you want that in Massachusetts, either.

Mr. MACDONALD. That is a good point. I think you understand the point I made with the previous witness, which you have just answered.

Mr. ROGERS of Texas. Mr. Younger.

Mr. YOUNGER. You said you had some good Republicans. What other kind have you? I didn't know there were any other kind.

Mr. WILLIAMS. Sir, your hair is about as gray as mine. We in Georgia remember the good old Hoover days, regardless of who was responsible.

Mr. YOUNGER. With the automobile industry stock off today, we may be facing the same situation again.

Mr. WILLIAMS. All my savings are in automobile stock and I am really hurting.

Mr. YOUNGER. They certainly took a beating today.

Mr. ROGERS of Texas. Mr. Mackay?

Mr. MACKAY. I am proud to have this committee here and also Congressman Stephens. This is another evidence of the vigorous interest of the people of our State in this problem.

This committee invited me to come down during the Easter recess and it is great to have them up here. We appreciate their presence very much.

Mr. ROGERS of Texas. Thank you, gentlemen, for your contribution to the hearings.

Those will be the last witnesses today. It is 5 o'clock. If anyone who is scheduled today desires to file his statements he may file them and they will be included in the record. Otherwise, contact the clerk and try to get scheduled some day next week.

STATEMENTS OF ERLE COCKE, JR., VICE PRESIDENT, SAFETY SYSTEMS, INC.; AND OLIVER W. BOBLITZ, PRESIDENT, SAFETY SYSTEMS, INC.

Mr. Cocke. Mr. Chairman, we will be glad to file our statement. We have it here.

(The statement referred to follows:)

STATEMENT OF ERLE COCKE, JR., FOR SAFETY SYSTEMS, INC.

Mr. Chairman and Gentlemen of the Committee, I am Erle Cocke, Jr. I appear here as Vice President of Safety Systems, Inc. We have patent application pending for an automatic safety belt adaptable to vehicles and airplanes that will enforce the use of seat belts. It will alert the individual with a buzzer and indicate to the enforcing policeman with a blue light. Mr. Boblitz, the inventor and President of Safety Systems, Inc., is here with me and we both will be glad to answer questions after I read the following statement.

We are here to register our endorsement of H.R. 12548 since under it, the Secretary of Commerce would be authorized to establish national safety standards for motor vehicle equipment and hence could order the Safety Systems device for making sure seat belts are used.

I testified in favor of the Senate bills first before the Sub-Committee on Executive Reorganization and later before the Senate Commerce Committee. There, too, I pointed out that we are in favor of national standards established by the Secretary—either of Transportation or of Commerce—because the Secretary could then order the Safety Systems device for making sure seat belts are used.

In developing our Safety Systems device, we found:

1. Safety devices must be made automatic and foolproof; they must be made a part of the vehicle.

2. Seat belts—the safety device which holds the immediate promise of saving the greatest number of lives—can be made automatic and foolproof.

The American motoring public has a distinct aversion to the voluntary use of safety seat belts. Safety Systems has conducted a number of statistical surveys to determine the percentage of motorists actually using seat belts installed in automobiles. These studies have revealed that less than 15% and, generally less than 10%, of the seat belts installed in automobiles are actually used by the motorists and passengers riding in these vehicles. In other words, 85 to 95% of the seat belt equipment contained in automobiles goes unused while the occupants of the motor vehicles continue to ignore the added margin of safety which "proper use" of the seat belt equipment would afford.

It must be emphasized that a seat belt must be "properly used" if it is to provide the measure of safety to the occupant of a motor vehicle. Merely buckling the seat belt about the vehicle passenger is not adequate. A safety seat belt which is not *snug* around the pelvis of the passenger may cause serious injury to the passenger upon collision. In an address in Atlantic City, Dr. Elliott S. Hurwitt of Albert Einstein College of Medicine in New York City, reported that there have been numerous belt-related injuries to passengers of motor vehicles due to leaving a seat belt loosely adjusted rather than having it "snug." Ruptured spleens have been frequently incurred by automobile passengers who have merely buckled a belt across their lap but have failed to pull the belt snug across the pelvis.

The requirement for a seat belt to be "snug around the pelvis" in order for it to be used properly is emphasized in a number of pronouncements by safety organizations. For example, the Washington Post for Sunday, January 30, 1966, reports statements to this effect by the auto industries highway safety committee. The article contains the following statement:

"Maximum seat-belt protection is obtained when the belt is snug around the pelvis, says the AIHSC. Seat belts with retractors should have no slack left on the reel after the belt is fastened."

If all of the seat belts which have been forced to be installed in motor vehicles by legislature fiat are to serve a useful purpose, there must eventually be some way to enforce their use and this in a "proper manner." The proper fastening of a seat belt requires that it be "snug" and this will necessitate eventually the setting of some standards which may be used as a guide to signify to passengers of motor vehicles that they have their seat belts "properly fastened." A "snugness" standard will specify a tension in pounds or ounces, or a permissible amount of slack in inches, or both. To supplement this, there must be provided some device which will automatically signify to the passenger of the automobile that there is such "snugness" of this seat belt. Without this, the present seat belt program of enforced installation of equipment might as well be abandoned. It has been definitely proved that attempted "education" of the motoring public alone is useless. Even if educational programs were able to get a majority of automobile passengers to fasten their seat belts, there would remain the equally serious problem of getting a large percentage of such people to fasten the belt with the correct "snugness" to obtain adequate protection from the belt and prevent ruptured spleens and similar internal injuries of the type that are being experienced today by a portion of the small percentage of automobile passengers who are buckling seat belts about them.

The Safety System device provides a safety seat belt which not only automatically signifies to passengers of automobiles that their seat belts are fastened but also that they are "properly fastened," i.e., that the seat belt has been drawn across the pelvis with a proper degree of snugness for maximum protection. This new device permits *functional operation* of the seat belts by allowing the passenger to move to a limited extent without "triggering" the signal device control circuit. The seat belt device may also provide for the indication of such fastening to law enforcement personnel.

3. The Safety Systems device can be installed in all existing cars as well as in all new cars to be manufactured and can be incorporated into and used with existing seat belts.

This feature in making the use of all present seat belt installations a "part of the car" will salvage the expense of the existing installations and for the first time make them serve the purpose for which they were intended—to save lives and reduce the seriousness of injuries.

4. The Federal Government can lead the way by causing the Secretary of Commerce to prescribe the installation of the Safety Systems device on all motor vehicles in order to meet United States traffic safety performance standards.

If the Secretary is convinced—as I am—that seat belts, if properly used, constitute the single best step forward in highway safety, and

If the Secretary is convinced—as I am—that a simple, inexpensive device which will insure the use of seat belts is in the public interest,

Then, under the authority of H.R. 12548, the Secretary can prescribe the Safety Systems device and rest assured that as far as seat belts are concerned, the Safety System device will take the "if" out of "if used."

Gentlemen, I could talk to you all day about the need for this device and about how it will help solve the traffic safety problem, but one demonstration to you is worth a thousand of my words. Mr. Boblitz has set up an indoor demonstrator.

Assume this is the front seat of a car equipped with roll-up seat belts and the Safety Systems device. If I get in and do not fasten my seat belt and turn on the ignition, the buzzer buzzes until I do fasten my seat belt properly, then the blue light lights. If I get in and fasten my seat belt and turn on the ignition, the blue light lights.

If I am driving along and my seat belt becomes loose, the buzzer buzzes until I re-snug my seat belt, and then the blue light lights.

It is as simple as that. It works for the driver's seat and it works for all occupied passengers' seats. If any seat belt is not properly fastened, the buzzer buzzes. If all seat belts are snugged, the blue light lights. If any seat belt becomes loose, the buzzer buzzes. If all seat belts stay snug, the blue light stays lit.

IN SUMMARY, AND TO CONCLUDE

If we permit the present rate of traffic accidents to continue, at least one out of every two living Americans will be killed or seriously injured in a traffic accident. Yet, almost everyone knowledgeable in the traffic safety field agrees that a seat belt, if "properly used," would reduce traffic deaths by over one-third and would reduce serious traffic injuries by approximately 50 percent. Specifically, last year over 12,500 deaths and about 2 million serious injuries could have been prevented by seat belts, if "properly used."

It is true that seat belts are installed in about 40 million cars and between 8 to 10 million will be installed in new cars during 1966. But, the advantages of seat belts have not been realized. Instead, 1965 was the worst year we ever had for death and injuries due to traffic accidents.

Can this be explained? Yes, it is simply because seat belts are not being used and because seat belts are not being "properly used." There never has been and there is not now much interest on the part of the motoring public in the voluntary use of seat belts. Safety devices which do not require voluntary cooperation are more effective than those which require it. The Safety Systems device does not require voluntary cooperation. It is part of the car. It is *automatic and foolproof*.

So the questions arise—can the use of seat belts be made "automatic and foolproof" and can the "proper use" of seat belts be made "automatic and foolproof?" The answer to both questions is yes. The Safety Systems Seat Belt device makes sure the seat belt for the driver and for each passenger is being used and is being "properly used" or the warning system automatically alerts the driver and continues to alert the driver until the seat belt of the driver and of each passenger is being used and is being "properly used."

Why the emphasis on "proper use?" Because, it has been proven that a loose seat belt is of little or no value in restraining the passenger when the car comes to a sudden stop; but instead, in some cases, a loose seat belt can itself cause internal injuries in addition to the probability of the passenger being thrown against the interior of the car and thereby causing death or serious injuries. Indeed, it is this "second collision"—the passenger being thrown against the interior of the car—which is the cause of the death or injury and which can be prevented or minimized by the "proper use" of seat belts.

Safety Systems Seat Belt device automatically guarantees that seat belts are fastened and snugged and kept *snug*.

When and how is a seat belt "properly used?" A seat belt must be fastened snugly around the pelvis of each person in any car before it starts moving. There is no way to tell when a car must slow down quickly or stop suddenly—whether it is going half a city block or 100 miles. The act of simply connecting two seat belt straps together does not constitute the "proper use" of a seat belt. Seat belts must be fastened and "*snugged*" at all times to insure the protective value brought about by holding the person firmly in the seat.

Can the safety system seat belt device be used with existing seat belts or only installed on new cars? It can be used with existing seat belts, which can be incorporated into and made a part of the Safety System Seat Belt device and their use will then be "automatic and foolproof" and, for the first time, their owner can be sure they are being used and are being "properly used."

Can the Federal Government lead the way for the immediate use of the safety systems device? Yes, the Secretary of Commerce can prescribe the installation of the Safety Systems device on all motor vehicles in order to meet traffic safety standards.

And, therefore, we sincerely endorse H.R. 12548.

NOTE.—Sketch of "seat belt devices" may be had upon request from Safety Systems, Inc., 454 Washington Building, Washington D.C., 20005, Phone: 73-0979.

Mr. COCKE. We do also have a quick demonstration that would not take but 1 minute to look at if you would like to see it.

Mr. ROGERS of Texas. Yes.

Mr. BOBLITZ. This is a safety belt situation that seems to take the if out.

I think the biggest problem we have all been talking about is how to prevent the death and injury due to second collision. There is a second collision. That is a law of physics.

Our statement will indicate that if seat belts had been used by everybody, 40 percent of the deaths would not have occurred and 50 percent of the injuries would have been reduced or eliminated.

(Demonstration.)

This buzzer would remind you to use your belt. You don't need to have the noise. Imagine this is a seat in the car and this is the floor and this is your ignition up here. If your ignition switch was turned on after you fastened your seat belt you would have no noise. But there is another problem that faces everyone who uses a seat belt which is that about 50 million cars have seat belts and 8 percent are using them.

The seat belt does work loose. This device will tell you it is loose. You can then reach down and snub.

Mr. ROGERS of Texas. Mr. Hoffa said seat belts were no good for truckdrivers.

Mr. BOBLITZ. Mr. Hoffa can have his opinion but everybody else says they are.

Mr. ROGERS of Texas. He did not say that. I misquoted him. He said it is 50-50.

Mr. BOBLITZ. The Public Health Service just sent some of my money making a research at Michigan State. They did a very good job. In fact, they stated it is the best job that has been done to date since the birth of the automobile.

I am stating some of their facts. Forty percent of the people would be alive today of the 50,000 that died last year. Forty percent of them would be alive if the seat belts had been used and used properly. This applies to each and every seat in the car. Only in the seat that is occupied would it be activated.

Mr. COCKE. This could also apply to airplanes, buses, or anything else.

Mr. ROGERS of Texas. It would eliminate the girl walking up and down the aisle asking you if your seat belt is fastened.

Mr. BOBLITZ. That is right. If the light is on it tells you to fasten your belt. Fifty million vehicles with seat belts in—most of it is a compulsory purchase. Only 2 percent of the cars had them prior to this compulsory purchase. With only 8 percent of the people using them I don't think this is really good use of the money they are spending and it is not saving any lives.

Mr. COCKE. For the record, this is Oliver W. Boblitz, who is the inventor of this particular project. We would appreciate your putting our statement in the record.

Mr. ROGERS of Texas. Your statement has been included in the record as though read in full.

STATEMENT OF TOM TRIPLETT, CHESTER, S.C.

Mr. TRIPLETT. Mr. Chairman, I have a statement which I should like to present at this time for the record.

Mr. ROGERS of Texas. Thank you, Mr. Triplett.

Your statement will be inserted in the record in full at this point.

(The statement referred to follows:)

STATEMENT OF TOM TRIPLETT, CHESTER, S.C.

I am Tom Triplett of Chester, S.C. Gentlemen, the magnitude of this opportunity is overwhelming. It is a privilege to strive with you. May the Lord direct our striving.

Let me assure you that I fully appreciate the seriousness of our problem. At times, my natural vernacular of communication may appear humorous, but I am completely serious.

Picture with me for a moment the White House. Secretary McNamara is seated across the desk from the President and he is saying something like this, "Chief, I am willing to give it my all, but frankly I really don't think that we can defend this country." What a ridiculous picture. We all know that under these circumstances, Mr. McNamara would be replaced immediately. Picture again the Secretary of Agriculture seated across the desk and saying, "Chief, I'll give it my all, but I am afraid the farmer has had it." Again a ridiculous picture. An intolerable picture. Yet in the field of safety, almost every safety official admits to failure in his acceptance speech and we permit it.

There were many soldiers in the armies of Israel who would have been willing to go out and die in the attempt to kill Goliath but magnificent martyrdom was of no service to the nation. It was imperative that David not only be unafraid and willing but that he believed that he could do the job at hand. As head of our National Traffic Safety Agency, we need such a man now.

As all good lawyers know, it's human nature to build up a problem before we solve it. We take a problem and before we actually attack it, we go to the people involved and explain to them just how great and how complex this problem is. Then at the last minute, we pull the chestnuts out of the fire. Let me say this—we've built this problem big enough, and its time now for the solution.

Let's start with the seed of the system. The automobile is the seed of our transportation system. This is the seed that has produced our great material wealth—our great economy—our wonderful nation—and the many good things which we have. However, at the same time, this is the seed that has produced the death and destruction, crippling and maiming which we are experiencing at this time. There are many lesser areas of this problem which also need adjustment. However, in revamping the system, we must necessarily start with the seed.

Now, what approach should we take to assure success? We live in the world and we made it not—and we make not the laws of the world—but seek out the laws that were made. One of these laws is as follows:

Belief is necessary to success. We have already mentioned this. Another of these natural laws states thusly: The sane driver with or without insurance is in fact two distinctly different drivers. But the main law that we should consider here is this law—Collective cooperation in our automobile industry is no match for the competitive striving of our free enterprise system. People simply don't produce when they don't compete. Yet we in this great nation of free enterprise and competition, fully realizing the great power of our system have been content to attack the traffic safety problem with collective slumbering. "Mama, our son is dead" 50,000 times a year. We cannot continue on this path.

Our problem lies in the incompatibility of our machines with our people who use them and the compounding of our problem is in the cry of "redesign the people who drive", and the compounding of the compounding of the problem will be in the cry of "redesign the people who make them". We need a traffic safety agency and we need to research our problem from end to end but we don't need to relieve the manufacturer of his natural responsibility for the performance of his product. You may think that the manufacturer is afraid of government regulation but the cry you are hearing is "Brer Fox, please don't throw me in the briar patch". If the government assumes the responsibility of safety design in our vehicles, the manufacturers will join together for another 50 year snooze under the veil of government sanction and in thousands of court rooms across the nation wronged individuals will encounter the stone wall of "Our product meets government regulation" and an already compounded problem will be re-compounded.

What we do need is for our government to shine the light of free enterprise on our four star players—General Motors, Ford, American Motors, Chrysler—and to arouse them to the task of competitive striving with our safety problem.

To do this, we need only to devise a plan which will clearly indicate to the people, which manufacturer is doing the best job now and which manufacturer is doing the worst job now.

It has always been a mystery to me why some one manufacturer does not have guts enough to stand up before us all and avow that he makes the world's safest vehicle. It must be that each one feels in his heart that his product is the worst. But when these same firms realize that we are about to attack this problem on the basis of results and competition, then the safety engineer won't even pick up until the stylist is on the phone and we will have embarked on the course toward a wonderful evolution which will increase the safety and efficiency of our transportation system beyond our wildest dreams. No amount of government regulation or bureaucratic wondering will ever make this dream come true. Any safety proposal which ignores "knowledge of results" is doomed to failure. Even if the *Federal Government* regulates safety design, we must necessarily have knowledge of results in order to tell whether or not our regulations are effective.

A blind man can throw but he can't improve his aim no matter how much he practices because he has no eyes to give him knowledge of results. This then is the key. Any approach we take which does not contain this key of free enterprise is doomed to collective failure—and any approach we take which includes this key of free enterprise will succeed.

American Motors, Ford, Chrysler, General Motors—arise four sleeping giants—for there are those who would chain you while you slumber and we are here with the chains.

Mr. ROGERS of Texas. The committee will stand adjourned until Tuesday morning at 10 a.m.

(Whereupon, at 5:10 p.m. the committee recessed, to reconvene at 10 a.m., Tuesday, May 10, 1966.)

TRAFFIC SAFETY

TUESDAY, MAY 10, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to recess, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Today the Committee on Interstate and Foreign Commerce commences the fourth week of hearings on the Traffic Safety Act of 1966, H.R. 13228, and related bills.

Because of the great interest in this subject, and the number of witnesses from all over the country who have asked to be heard, it has been necessary to extend the hearings considerably beyond the length contemplated when we first undertook this program. However, as I have stressed from time to time, this is a vital subject which reaches into every home in the Nation, and the time taken for these hearings will be well spent.

At this time I want to thank the members of this committee who have cooperated so generously in participating in afternoon and evening sessions in order that we could accommodate so many witnesses each day at the hearing.

Also, for the record, I want to thank those witnesses who have cooperated in summarizing their testimony and keeping their answers to questions as brief as possible.

I also ask the understanding of numerous witnesses who have spent many hours and in some cases days waiting for their opportunity to testify. When we have a matter of this size before us and the Congress at the same time has important legislation coming up on the floor, the constructive cooperation of all concerned is necessary.

I am sure that as we continue, it will be necessary to invoke strict time limitations on questions by members and also on the testimony and answers by the witnesses. Your continued support in this regard is requested.

If Horace Greeley were speaking today, he might change the wording of his famous piece of advice just a little. He might say "Go to Michigan, young man, and make automobiles. This is the surest route to fame as well as to fortune."

By that, I have in mind a man who has had great success in his State and in his public life. Today we are looking forward with considerably more than idle curiosity to Governor Romney's testimony.

What will a man say who has looked at the automobile from two conflicting standpoints—from the profit angle, if I may call it that; and for personal popularity?

Governor Romney, we are fortunate to have a man with your fine record as an industrialist and as chief executive of a great State to speak to us on a subject on which you are as well versed as any man alive.

I might say we have two distinguished members from the State of Michigan on this committee. I would like to at this time call on a man from your own party to say a few words, Mr. Harvey, who is a very valuable member of this committee, who is doing a great job in the Congress of the United States in all matters. Mr. Harvey?

Mr. HARVEY. Thank you very much, Mr. Chairman.

I am very proud and delighted to have the opportunity to present Governor Romney to our committee. As you have mentioned, he brings with him a very distinguished record in many respects. He brings with him a wealth of experience as former president of American Motors Corp. As Governor of the great State of Michigan, also, he has shown in the last 4 years a real zeal in the matter of traffic safety.

It was through his efforts and the cooperation of our State legislature that our own State police in the State of Michigan have had their budget increased by more than \$1 million in order to bring greater safety to our highways.

In all of his administration there has been continued emphasis on safety on our highways. He brings with him a wealth of experience and I look forward to his testimony. I am indeed honored to have the opportunity to present the Honorable George Romney, Governor of the State of Michigan, to our committee. Thank you.

The CHAIRMAN. Thank you, Congressman Harvey.

Again, I want to say that Congressman Harvey is a very valuable member of our committee.

At this time I would like to call on Congressman John Dingell of Michigan for a word.

Mr. DINGELL. Thank you, Mr. Chairman.

Governor, it is a pleasure to welcome you before the committee this morning.

The CHAIRMAN. You may proceed with your testimony. We are happy to have you.

STATEMENT OF HON. GEORGE ROMNEY, GOVERNOR OF THE STATE OF MICHIGAN; ACCOMPANIED BY WALTER DeVRIES, EXECUTIVE ASSISTANT TO GOVERNOR ROMNEY

Governor ROMNEY. Thank you, Mr. Chairman.

I want to express appreciation for the gracious words that have been expressed, and also for your hearing me, because I know you had intended to close the hearings last week. I couldn't be here and I, therefore, deeply appreciate your enabling me to testify this morning.

The State I represent, as you know, is the leading automobile manufacturing State in the Union, as well as the leader in the manufacturing of automotive parts and equipment.

As the automotive capital of the world, Michigan has a vital stake in this industry. It directly employs 407,000 Michigan citizens. Nearly 14 percent of the nonfarm employment, and 17 percent, or \$4 billion, of the personal income of Michigan citizens come directly from the automotive industry.

It is estimated that, directly and indirectly, over 25 percent of our nonfarm employment results from automotive sales and production. You can readily understand, therefore, Michigan's direct interest in this legislation and its possible impact on the economy of our State. Nationally, 1 out of every 7 jobs depends on automotive transportation.

But far surpassing Michigan's economic stake in the automotive industry is our deep concern for the mounting toll of highway accidents, injuries, and deaths—a concern which Michigan citizens share with all Americans. Forty-nine thousand Americans, including 2,129 in Michigan, died in traffic accidents last year.

In Michigan alone, 155,258 were injured, and property damage was estimated at more than \$400 million. Statistics are cold—but each figure represents a human tragedy—a life snuffed out, a grieving family an orphaned child, or a painful, perhaps crippling injury. This senseless, needless human waste cries out for meaningful and massive action.

I applaud the Congress and the administration for their recent and growing concern for traffic safety—a concern which, in my opinion, is long overdue. I agree with the analysis of Senator Abraham Ribicoff, who testified a week ago today that “The Federal Government's response to the shocking problem of traffic safety in America has been slow in coming.”

I want to emphasize that the Federal Government's response in this area has been slow in coming.

I am pleased to see that the Federal Government is now preparing to step up to its responsibilities.

If this committee and the Congress act and act wisely, you can remedy past deficiencies in the discharge of Federal responsibility by adding the missing Federal link to the existing chain of State, local, voluntary, and industry action which has already achieved dramatic progress in traffic safety.

I have been personally involved in highway safety activities in both a private and public capacity for about 30 years. During that time, I have seen the combined actions of State and local governments, voluntary safety associations, and the automobile industry itself, reduce the number of traffic deaths per 100 million miles traveled by two-thirds—from 15.6 in 1937 to 5.6 last year. With proper Federal participation in this joint effort, I am confident that much greater progress will be possible.

When I was managing director, and later president of the Automobile Manufacturers Association, as well as when I was president of American Motors Corp., I worked to get the industry to take more “united, consistent, and vigorous action” to reduce the number of highway accidents, injuries, and deaths. I have been a critic of the industry for its overemphasis on style, power, and speed, rather than on safety.

I have made specific proposals in that connection in past years while in the industry. I will say to you what I have said before to others: The industry has made progress toward safer vehicles, but not enough. However, I believe you will see tremendous vehicle safety improvement in the next few years—more than ever before in history—unless the car companies are unnecessarily shackled with the type of Federal control that is self-defeating.

While I have criticized the industry for not doing enough, I know that had it not been for the leadership and support of the automobile industry in organizing and financing traffic-safety programs, conducting safety research, improving the product, and placing proven, customer acceptable, safety items on their automobiles, the fatality rate from traffic accidents could still be right up where it was 30 years ago—and that was three times as high as it is now.

I say that against the background of my experience as to what has happened in the field of traffic safety over the last 30 to 35 years. The automobile industry in our State played a key role, the key role, as a matter of fact, in helping in providing the leadership necessary to reduce the rate of traffic fatalities and accidents on our highways.

But let the industry speak for itself. My concern, as a Governor and an American, and the reason I requested this opportunity to appear before you, is to call to your attention the crucial contributions which the States and voluntary associations have made and can continue to make in our common struggle for safety on the highway.

The States have been in the traffic safety business for a long time. They have the primary responsibility for regulating motor vehicles, building highways, educating, examining and licensing drivers, establishing traffic laws, providing police enforcement and courts, regulating automobile equipment, inspecting vehicles, and conducting safety research. In the one area of setting standards for motor vehicle safety equipment, the States have developed over 1,100 regulations, laws, and approval procedures.

In Michigan, we are particularly outstanding in our highway system, our national award winning statewide driver education program, our driver improvement schools, and our State police, although these, too, need improvement. Our universities have produced key research studies.

The Highway Traffic Safety Center at Michigan State University, which provides research, training, and field services to the State, was the first of its kind in the Nation. Wayne State University in Detroit has been conducting research into the effects of crash impacts on vehicle occupants. The University of Michigan at Ann Arbor has recently received a \$10 million grant from the automobile industry to establish a highway safety research institute.

You have already heard from the University of Michigan specialists who have carried out on-the-scene studies of actual accidents immediately after they occurred, as well as studies into the relationship of the drinking driver and the fatal accident. These studies, although admittedly limited in scope, indicate that more than half of all highway deaths involve at least one drinking driver. That, gentlemen, is the greatest cause of death on our highways today. It is the cause that is being ducked at many State levels and many other levels.

The greatest cause of death on our highways today is the drinking driver. With proper attention to that one area, we could make greater strides in cutting traffic accidents and fatalities than in any other single area.

This finding is supported by the California Safety Foundation, which reports that, "Among drivers responsible for the accidents, two-thirds had been drinking, and in fatal one-car accidents, seven out of ten had been drinking." Our figures in Michigan are 55 percent.

Because of findings such as these, I have pressed vigorously for passage of an implied or expressed consent bill in Michigan to permit more effective law enforcement in combating the increasing problem of drunk driving. This problem, gentlemen, is one that involves every aspect of the traffic safety movement. There is judicial laxity, traffic safety laxity. The officials of this country are being discouraged in this country from applying laws to drinking drivers because of lack of public support for the enforcement of the laws, and we don't have strong enough laws, either.

State officials in Michigan, along with voluntary safety groups and the industry itself, have worked hard to foster a climate of public concern for traffic safety which must be the basis for either industry action or governmental action at any level. I don't know of any public problem that involves a greater degree of public understanding, public involvement, and public support than traffic safety on our highways.

Since 1963, as Governor, I have submitted four special messages on traffic safety to the Michigan Legislature. More than 219 key Michigan citizens and public officials were appointed to a Governor's Special Commission on Traffic Safety and produced more than 100 solid traffic safety recommendations. And we have held 22 regional traffic safety conferences throughout the State.

I cite this record of activity and interest to indicate to you that Michigan, for one, is a State interested in traffic safety and working hard to improve its traffic safety program. We are making progress, but we are not making enough progress. With or without Federal involvement, we will continue to make progress—but timely and well conceived Federal action can help us do an even better job.

Senator Ribicoff stated a laudable objective for Federal action when he told this committee.

Only an enlightened and healthy three-way partnership which includes the Federal Government, the States, and private industry can give us the safe highways we need and deserve.

Mr. Chairman, I heartily support that, with one vital addition, and this really is a deficient program on a three-way basis. A great deal of our traffic safety progress depends, and should continue to depend, on thousands of voluntary associations at the National, State and local levels. I want to say I am one who has devoted a great deal of effort in the last 30 years to try to build up a greater degree of involvement and support at the local and State levels, as well as the national level, in order to deal with this tremendously complex and difficult problem.

I urge this committee and the Congress to support such an approach, and call upon you to demonstrate that support by amending the measure now before you.

For H.R. 13228 does not envision the partnership and joint effort which we so desperately need. Rather, under title I, it would wipe out meaningful and creative State contributions toward improved vehicle safety. The States—not the Federal Government—have led the fight for traffic safety, with significant success. The States—not the Federal Government—have most of the available governmental knowledge and experience in vehicle safety regulation. Senator Ribicoff's capacity for congressional traffic safety leadership is proof of this because he was formerly Governor of Connecticut and chairman of the National Governors' Conference Traffic Safety Committee.

The States—not the Federal Government—will continue to carry the burden of education, enforcement, engineering and licensing activities designed to prevent the "first collision" which makes the "second collision" possible.

The States—not the Federal Government—will continue to carry the burden of regulating vehicles and equipment in use and when resold as second-hand cars.

Yet title I ignores the States and the contributions they could make, substituting absolute Federal decisionmaking and control.

This is not the way to build the "enlightened and healthy three-way partnership" which Senator Ribicoff described, or the four-way partnership which is essential.

Of all the potential members of that four-way partnership, the Federal Government has been the most remiss in meeting its responsibilities. That is, up to this point. I say this to get this thing in perspective. A lot of things in this field are out of perspective and they are dealing with a lot of things vital to the economic health as well as the lives of the people in the country.

The Federal Government has a role to play here, but the Federal Government has been most remiss in filling its proper role. Yet today, congressional and public attention is being focused largely on the admitted shortcomings of the States, voluntary associations and the automotive industry, all of which have been grappling conscientiously with vehicle and traffic safety problems for decades.

This legislation, in its present form, says in effect: "Because the States, voluntary associations, and the industry have been only partially successful, the Federal Government must move in and do it all."

Mr. Chairman, the long-range solution to our complex and urgent traffic safety problems does require greater Federal effort—but it requires far more than that. It requires us to enlist the total resources of this Nation—private as well as governmental.

What is the proper Federal role in the new partnership which we should seek to build?

First, the Federal Government should use its influence and resources to stimulate and assist action by State, local, voluntary, and industry organizations in every area of traffic safety.

Second, the Federal Government should take full advantage of the resources of the auto industry, State and local government, voluntary associations, and the research facilities of our universities.

Third, Federal procedures should require maximum and meaningful preparation and decisionmaking participation by the States in setting

motor vehicle safety standards and other highway safety program standards.

Fourth, Congress should give the States a reasonable time to adopt approved highway safety programs before making them effective nationally.

Fifth, Congress should specify a reasonable minimum amount of time before motor vehicle safety standards become effective, but leave the maximum effective time flexible and subject to the decision of the Secretary, because of the varying but inescapable time factors involved.

There are time factors involved in this time process, gentlemen, of concept, of laboratory development, experimental development, prototype development, testing, and incorporation into the total vehicle, modification of the total vehicle, complete design and engineering, tooling, prototype tests, and ultimately production.

Depending on what you are talking about, it can take years or it can take a short time.

Sixth, Congress should provide adequate guidelines for use in developing specific vehicles and equipment safety standards, along with the reasonable provisions for judicial review.

And seventh, Congress should give the States the authority and assistance needed to enforce Federal safety standards for new vehicles and equipment, rather than to build a separate and overlapping Federal enforcement organization.

If such a provision were coupled with adequate Federal support and encouragement of State programs for inspecting vehicles as they are driven, traded, and resold, both the contemplated Federal program for new vehicles and equipment and the existing and expanded State inspection of vehicles in operation, could be carried out with maximum efficiency and effectiveness.

I cannot emphasize too strongly the need for State decisionmaking involvement in setting Federal motor vehicle safety standards, as well as in setting standards for the State highway safety programs for which assistance is contemplated under title III.

I also propose that the Congress request the Secretary—or Congress, itself, but one or the other—to confer immediately with the Governors of the 50 States, or with their representatives, regarding establishment of a special interstate advisory council on vehicle and highway safety.

There are some good interstate agencies, but the States have never taken a look at a program that can be complete if the Federal Government decides to play its role properly and to devise the State agencies needed to cooperate in such a total program.

What we have set up thus far has been in the framework of less than a complete program and without Federal involvement to the extent that Federal involvement is desirable.

Each Governor should be asked to either serve or to appoint one permanent member to represent his State. Indeed, I urge you to secure the participation of the Governors in perfecting your legislative proposals before complete and final enactment. I can't emphasize that too strongly. Here is a program where the States have primary responsibility. They are going to have to carry out the bulk of this program, if it is to be successful from a governmental standpoint, from the standpoint of governmental responsibility.

For the Federal officials to sit down and develop that program without bringing the States in and letting them meaningfully participate in shaping that program is, to me, to wind up with something that can't possibly be as effective as it can be if there is effective State-Federal consultation and participation, and to be fully effective that is what we need. You can't do that by coming and appearing before a committee like this, and you can't do it with communications and letters.

To develop the understanding needed in an area as important as this, you need to sit down and talk things through, and throw the ideas on the table, and come up with the most meaningful approach. This doesn't mean any delay in this program. This can be done without any delay, because there are meetings coming up of the Governors that would make this completely possible.

I believe that the Governors would welcome the opportunity to come and participate in this meaningful way.

Certainly the Federal Government should not preempt such an important area of joint Federal-State responsibility without prior Federal-State consultation. But by law, Congress should require the Secretary to submit requests for development of standards to the interstate advisory council.

Alternatively, the Secretary could submit a proposed standard to the council, requesting its comments. The council should be allowed a period of 4 to 8 months to report back to the Secretary, who would then be free either to accept, amend, or reject the council's proposal.

In any event, the Secretary would properly retain the authority to promulgate those standards which, in his judgment, were adequate and reasonable, in accordance with the guidelines prescribed by Congress.

I have been through this process of some group being set up as an advisory group without actually having a specified time and a specified procedure within which to consider the proposals that are to be acted upon. It becomes a relatively meaningless thing if it is just an advisory relationship. But if it is a specified procedure by law and providing for a meaningful participation, it is quite a different thing.

Such a procedure would not delay the development or adoption of standards, and it would result in better standards. It would prescribe a method for constructive involvement of the States and for drawing on their long experience and knowledge. It would be a vital step toward building the new partnership which we all want, and which our country needs.

While I see the possibility of great gains from this legislation, without amendments I can see the possibility of great dangers.

Without elaborating them, let me list some of the dangers as I see them:

First, and foremost, whether action on your part will be good or bad depends on your encouraging and building on what is already being done. There is great danger that the Federal Government's belated recognition of its traffic safety role will cause it to move too fast to permit effective State participation in shaping the basic

program and standards or move in a manner that will create employment losses and other possible heavy economic costs including reduced local, State, and Federal revenues.

There are other traffic safety, governmental and economic dangers, as I see them, that can be avoided, and should be avoided, but I am fearful at this point they will not be avoided, some of which I have already alluded to.

The traffic safety dangers to be avoided are:

1. Undermining and weakening State and local traffic safety efforts. My legislature is already delaying action on proposals because they think Washington is going to take care of them. When you put the States in a position where they don't know what the Federal Government is going to do and what they are supposed to do, you put them in a very difficult position, because this involves large sums of money, it involves the competitive relationship of the States.

If a State goes ahead and does what it ought to do on its own only to find out that the Federal Government is going to subsidize everybody else, you find yourself at a competitive disadvantage.

This can be handled so that it avoids undermining and weakening State and local governments.

2. Discouraging and reducing the absolutely essential efforts currently being made by voluntary safety associations and private industry.

We can be thankful in this country that we have had private industry and voluntary association in the traffic safety field or our fatalities and accidents would be doubled the rate they are now at.

3. Unjust publicity that focuses attention and effort where the least progress is possible and reduces attention and efforts where the greatest progress is possible.

4. Singling out relatively safe new cars and neglecting poorly maintained and defective cars in use, including those dangerously modified and worn out.

I have been a critic of the industry with respect to what I felt was not enough consideration to the safety of the vehicle, but I still say that the American-built passenger cars are the safest cars built in the world today, speaking generally and broadly.

I have been trying to get, for the last 3 years in Michigan, a compulsory motor vehicle inspection law. I can't get it. The used cars are in worse condition than the new cars.

The governmental dangers to be avoided are:

1. Substitution of excessive inexperienced Federal responsibility and authority for the essential areas of experienced State and local responsibility and authority.

2. Another massive expansion of destructive Federal domination rather than a needed pattern of "creative federalism."

3. The unnecessary expansion of Federal programs to cover all States including those ready, willing and able to do their full part, because of the shortcomings or handicaps of some States.

The economic dangers to be avoided are:

1. Creating customer uncertainty and excessive and premature future product expectations.

Gentlemen, the way in which this program is handled can either help in this situation or turn the automobile industry of this Nation

into a tailspin. I am not speaking idly or lightly. I know the factors involving automobile sales and production. Anytime the people decide not to buy cars, this country has economic difficulty, because the automobile industry is the economic backbone of this country at this time.

There are two things that can cause people to stop buying cars: One is economic uncertainty and lack of confidence. The other is the belief that there is going to be a much better model down the road "so I won't buy today, I will wait."

Automobile purchases are postponable, and by building up expectations with respect to what future cars are going to have prematurely, at the wrong time, it can retard current sales and put the automobile industry into a tailspin.

2. A setback to the Nation's and Michigan's economy by a slowdown of automotive sales and employment.

3. Crippling our greatest job-creating industry in its proven ability to achieve the constant product improvement on which future higher rates of economic growth and employment depend.

4. Gradual deadening control of the biggest single segment of our dynamic private competitive economy resulting from possible political expansion of motor vehicle safety standards authority.

In my lifetime I have seen the Federal role expanded in the field of interstate commerce and other areas so that it encompasses practically everything.

You can successfully maintain that almost any aspect of an automobile involves safety, and this means that if someone with the authority to deal with safety directly and indirectly elects to do so they can involve almost any aspect of the vehicle. It can be the basis of establishing absolute control over the industry.

Again, I challenge the Federal Government to make this a meaningful and effective war on traffic accidents, injuries, and deaths by joining the existing partnership of State and local governments, voluntary associations and industry.

I challenge the Federal Government not to weaken what has already been achieved, but to build on past accomplishments and experience.

I challenge the Federal Government, through the Congress, to seize this opportunity to enact landmark legislation which will be genuine federalism. We need that. We need a genuine Federal approach here which permits the maximum, encourages and permits the maximum, contribution by the States and by local units of government, and by private organizations, including the voluntary associations that play such a tremendous part in this total traffic safety picture.

Thank you very much.

The CHAIRMAN. Thank you, Governor. We are indeed grateful for your views. As I said before, you have looked at this picture from two different angles, from being the head of one of our great automobile corporations, and now as being a public servant serving the people of a great State.

Your last statement I think is very significant, that the Federal Government does have a role in this.

Governor ROMNEY. There is no question about it.

The CHAIRMAN. I noticed once or twice you say you challenge the Federal Government. You are not challenging the Federal Govern-

ment. You are challenging these 33 men who sit here to write a law and they are dedicated to do that. I know of no committee in the Congress of the United States that is more dedicated to do that job.

Governor ROMNEY. I am pleased to hear that.

The CHAIRMAN. They are not going to be punitive to any industry or any other group, I am sure, and certainly, I, as chairman, would not allow it if I could help it. But I have that much faith in every member of this committee.

You say this job has been delayed too long. I will agree with you. But it is now before us, and now is the time to act, is it not?

Governor ROMNEY. That is right. I have said we ought to act this year.

The CHAIRMAN. I noticed your statements with acting too hastily or putting these into effect too fast. We are not going to do that. If we are going to keep faith with the oath we took to do something and do it now, we must act soon.

Governor ROMNEY. But, Mr. Chairman, I think the States have a legitimate right to expect to be consulted in a formal way in the process of developing such an important Federal-State program before the fact rather than after the fact. The hearings are good, but there needs to be more than that. There needs to be the opportunity to sit down and discuss these things in depth and extensively and to come up with the best possible solution.

That will not delay this program, because many aspects of the program can proceed immediately. That aspect of it can be developed in the matter of 2 or 3 months, to establish the basis of Federal-State relationship.

I realize there have been some recommendations to use a particular State agency or interstate agency. Well, that agency was created for a purpose. It wasn't created for a purpose as broad as this program. I don't believe that the people here in Washington are in a position to develop the approach that will be as sound as if they brought in the Governors of the States and consulted with them and gave them an opportunity.

Furthermore, we have to carry the program out. My experience is that you get more effective efforts when people are participating in developing something rather than not participating.

The CHAIRMAN. Governor, I say this to you, that I believe if you had been here through all these hearings and read the tenor of this committee as I have read it in asking questions, it is their intent that the States be involved in this as a partner all the way. I can't say what the final law will be as written, but that is the way I read it now.

You mentioned new cars. We have had under consideration by many witnesses and by questioning here that the older car has a great deal to do with this problem. I think you will agree with me, as you would with every member of the committee, that there are unsafe cars on the highways.

Governor ROMNEY. That is right.

The CHAIRMAN. We need to correct that situation. We are not going to try to bring about an economic imbalance or anything like that. We realize, as you do, that we are dealing with a great industry. But we realize, too, that the time has come that something must be done. We are not going to put any economic factor above the lives

in this country. I know you as a Christian gentleman would never do that either.

Governor ROMNEY. I don't disagree with that, but it can be done in a way that you don't adversely affect either.

The CHAIRMAN. That is what we intend to do. As I say, there are 33 men on this committee and I am satisfied in their final judgment that is what will be done.

Governor ROMNEY. Mr. Chairman, I have to depend partly on what is appearing in the public press throughout the country. What is appearing in the public press throughout the country is not a balanced presentation of what is involved in achieving greater traffic safety in this country.

An emphasis is being put on things that can be very unfortunate. That is why I think it is important to create a greater appreciation of the various aspects of this situation.

The CHAIRMAN. I appreciate what you are trying to do. I will say to you that I am not going to indict the press of this country. I have no control over them. It is a free press. They often print the things which make the most news or direct the most interest.

But I don't think that will have any influence when the final decisions are written here on the bill.

Governor ROMNEY. I don't indict the press. I agree they have been quoting people, but there are those who have been presenting very sensational things that are not according to the full facts of the situation.

The CHAIRMAN. I don't think that is anything new, Governor.

You have criticized this bill. I would like to know just exactly which part you criticize in this bill.

Governor ROMNEY. Surely. I will point it out.

The CHAIRMAN. I might be able to help you.

Governor ROMNEY. On page 3, section 102, it reads:

The Secretary shall, from time to time, review existing public and private motor vehicle safety standards and the degree of effective compliance existing with respect to such standards. If at any time two years from the date of enactment of this Act he determines that there is a need for a new or revised motor vehicle safety standard, and that no motor vehicle safety standard exists, any existing motor vehicle safety standard is inadequate to protect the public against unreasonable risk from accidents—

and so on—

a Federal motor vehicle safety standard issued by order pursuant to section A shall become effective on a specified date—

And down at the bottom of the page, 4—

no State or local government law, regulation or ordinance shall establish a safety standard for a motor vehicle or an item of motor vehicle equipment in interstate commerce if a Federal motor vehicle safety standard issued in conformance with the provisions of this Title is in effect with respect to that motor vehicle item or motor vehicle equipment—

and so forth.

What that does is to give complete authority to the Secretary of Commerce to establish standards, and wherever he establishes a standard there can be no State or local law or regulation. If his standards

relate to new vehicles, as indicated in here, it even precludes the States from dealing with the used vehicles and vehicles in use.

It goes on to say that "such law, ordinance, or regulation," and so on, "shall be null and void, and of no effect."

This is the thing that gives the Secretary absolute authority.

My point is that the Secretary is going to establish motor vehicle standards with respect to new vehicles. There are a lot of vehicles in use, and it says that a State can't establish any standard that is in conflict with any Federal standard established.

Again I point out that he is dealing with new vehicles and you have more used vehicles on the road than you have new vehicles. The States need to have authority to deal with those vehicles and establish standards with respect to the used vehicles.

The CHAIRMAN. I agree with that. I would like to say this, that this is not the bill that will come out. It will be amended all the way through. I can assure you there will be provisions for State cooperation all the way through.

Governor ROMNEY. I am pleased to hear that.

The CHAIRMAN. We realize that the enforcement must come from the States and we must have cooperation across the Nation. But I think the duty and responsibility of this committee is to set guidelines.

Governor ROMNEY. I agree.

I would like to stress the desirability of bringing the States in to consult in advance of the completion of this legislation, in the shaping of its form, and the determination of how the States are going to organize in order to cooperate effectively.

The CHAIRMAN. I would agree with you and I think most every member of this committee would, too. As I say, I have listened to their questions of the witnesses here, and I think this is the tenor of the committee.

Governor ROMNEY. The Secretary could do that for the committee, if he will have the responsibility for the whole program anyway. There is no reason he couldn't invite the Governors or their representatives to come in and consult with him and submit recommendations to the committee in the areas I am talking about.

The CHAIRMAN. It will not be the Secretary who will write the legislation; it will be this committee and the Congress. We will expect him to conform with what we set forth.

Governor ROMNEY. I understand, sir. If the committee would take the time to confer with the Governors so that we can submit recommendations after having a chance to discuss them thoroughly with you, that would be excellent. But if the committee is not going to do that, I would simply suggest that maybe recommendations could be submitted after meaningful discussion with the Secretary.

The CHAIRMAN. Thank you for your testimony. We appreciate it very much.

Mr. Friedel?

Mr. FRIEDEL. Governor, you have a very fine statement, all the way through, and very interesting.

If you look back at the history of this committee for the past 10 years I think you would see that we have not done anything irrational. We have been trying to leave it up to the States to do things. This committee went through all the plants of General Motors, American

Motors, Ford, and Chrysler, and we saw the great research they were doing. I saw things 10 years ago that were known then as safety devices that are just being made available to the American public.

There were too many known safety devices then that were optional equipment and not standard equipment. Last year we passed a bill that all Federal vehicles should meet a standard on 17 different items. GSA in buying the cars for the Federal Government must buy those with these 17 items. The industry, itself, came around and gave them to the public. They were slow in doing that. We were not slow in recommending it.

All through here you say the States and not the Federal Government should do this and that. We try to keep that standard all the way through. But the States have been lax.

As you said, in your State you have been trying to get a bill through for inspections. I can say the same thing for Maryland. We did have a law one time for inspections and any gasoline station would inspect the car. When the guy came in and bought gasoline, he would say, "Put a sticker on my car." And the man would say, "You have bad lights or bad brakes," and the customer would say, "If you don't put a sticker on my car, I will not buy gasoline here."

Last year we did pass a law that is very good, that any used car that is sold has to be inspected. We are the first State in the Union to pass that law. That is a very good law but it doesn't go far enough.

I think all cars should be inspected. We would get a lot of old cars off the streets.

On the VESC, I think there are 44 States and the District of Columbia in that. They have come up with a minimum standard on tires. Maryland was one of the first States that adopted that. I think there are only three or four of the other States that have adopted it. The other States are slow in doing anything. We have left that to the States. That is on the minimum tire requirements.

One thing good is that you cannot buy a car without an electric windshield wiper. It took years and years for the industry to put them on all cars. Now they are on all cars and you wouldn't buy a car without it.

We saw a demonstration on a blowout at Chrysler, I think it was. The industry was slow in coming around to that better rim. Nobody would buy a car today without that better rim on it.

I think this committee is trying to do the right thing, and we do not want to interfere with States rights. But something has to be done. I think you will need Federal cooperation on this thing.

Governor ROMNEY. I am not talking States rights. I haven't mentioned the word. I don't believe in States rights. The States don't have any rights. They have functions and responsibilities.

What I have been talking about is a Federal-State program. What I have been talking about is the Federal people permitting the States to participate in shaping a Federal-State program. I haven't been defending the industry here. I have made that clear. I told the industry when I was in the industry they weren't moving fast enough in the vehicle safety area. I was in the business. I know what you are up against, too.

We put safety belts on cars as standard equipment in our Nash cars in 1952 and had to take them off because the dealers said the people think the Nash cars are more dangerous than other cars.

We put dual brakes on our Rambler cars when the only other car that had them was a Cadillac. I can't say we sold a Rambler because of improved brakes but it was a better safety item.

This committee and the Congress are rendering a great public service by putting the emphasis on the importance of traffic safety. I am not critical of you in this respect, and I am not critical of you in your effort to work out a meaningful program here, not at all.

I am saying it is needed. What you are doing to create public interest in traffic safety with respect to the vehicle is important, but that is only one aspect of it.

I believe as a result of the heightened interest you have developed that there is going to be a degree of effort in improving the safety of vehicles in the period immediately ahead such as you have never seen before, because the public is being made more receptive to them. The automobile business is something like politics. I have been in both fields. You can't sell automobiles that people don't want to buy any more than you can get elected to office on the basis of programs people don't want to support.

Consequently, the automobile industry is confronted with public attitudes just as people in public life are. I have been critical of the industry in saying they haven't taken enough effort in the vehicle safety part, itself. But things are being said down here that are way out of context and are not accurate and are not sound, and can mislead them into thinking that if you just shift over to this Federal participation we are suddenly going to get a degree of advance in this situation.

Mr. FRIEDEL. But that has not been the action of this committee at all. We have been very fair all the way through.

Governor ROMNEY. No, but this is the impression that is feeding out throughout the country.

Mr. FRIEDEL. We realize that and we are trying to do the right thing.

We passed a bill and made it voluntary with the States, that anyone who had their license suspended for drunken driving would have that record sent to one central headquarters here in Washington. All 50 States joined into that. We tried to do the right thing, but the States themselves need the jacking up.

Governor ROMNEY. But if you want to do the right thing in a program like that, bring the Governors in. We are concerned about traffic safety. We are concerned as the members of this committee about traffic safety. Bring us in, let us sit down and consult with whoever you want us to consult with, the members of this committee or the Secretary.

Mr. FRIEDEL. There is nothing in this bill that would do away with the States cooperation.

Governor ROMNEY. This bill in its present form substitutes Federal Government.

Mr. FRIEDEL. You heard the chairman say it would not be passed in its present form.

Governor ROMNEY. All right, but why in setting up a program that the States have to play a tremendous part in should not you do the very

simple thing of inviting the States to come in, sit down, and consult and work with you and develop the basic way in which the program will be worked out?

Why not involve them in determining how we will do the job, instead of after the fact? I will tell you who has been advocating this most vigorously among the Governors. That is Pat Brown, of California. Pat Brown, of California, for years has been saying, "Why won't the Federal Government bring us in before they set up these Federal-State programs and let us consult with them before they set them up?"

Here is one in the process of being shaped. Why shouldn't the Governors who have been working with this problem be able to come in and consult and help advise on how it is set up so that they can take their full part? That is all I am talking about. This is not States rights.

Mr. FRIEDEL. My time is up. Thank you.

The CHAIRMAN. Mr. Springer?

Mr. SPRINGER. Mr. Chairman.

Governor, let me see if we can get this brought together into sort of a nutshell. As I see it, there are two problems involved. There is the new vehicle which comes out of the dealer's showroom. This is one to be covered.

The second, and as I understand it, there are 91 million cars according to Senator Ribicoff, is that 9 million cars are sold new each year, and this leaves in the neighborhood of 82 million cars that are not new. They are either up to a year or they are more than a year old.

Governor ROMNEY. That is right.

Mr. SPRINGER. Those are the two groups you have to deal with if you are going to talk about safety in cars, aren't they?

Governor ROMNEY. That is correct.

Mr. SPRINGER. Let me see if I get your point about these two groups. First, as I understand it, you would like to have Federal help with State cooperation, and we haven't worked that out but the chairman has said we are in that process, first to enforce standards for new vehicles.

Governor ROMNEY. That is correct.

Mr. SPRINGER. And second is inspection of those vehicles which are for resale. That is the second point.

Governor ROMNEY. That is correct.

Mr. SPRINGER. The third point is that you have periodic inspections of cars which are in the hands of users at the present time.

Governor ROMNEY. You need that.

Mr. SPRINGER. With these two problems involved, or these three, they are the things that are needed and ought to be wrapped up in this legislation, is that correct?

Governor ROMNEY. That is correct, as far as the vehicle is concerned.

Mr. SPRINGER. That is what we are talking about right now, the vehicle.

But you believe that these three standards somewhere in this bill ought to be enforced as to those two groups of automobiles.

Governor ROMNEY. That is correct.

Mr. SPRINGER. The great fault I have found with Senator Ribicoff when he was here the other day, and I did not get very good answers

out of him, was that those fellows in the other body didn't face up to the problem of the 82 million automobiles which are running around, on which almost nothing is being done in this bill.

They are talking about the 9 million, which are important. But that is the great area that has been carried in the newspapers about nonsafety, isn't it?

Governor ROMNEY. That is correct.

Mr. SPRINGER. Nothing has been said, so far as I can find, about the eight-ninths of the automobiles which are running around, which are not covered, as I see it, adequately in this bill. Is that about right?

Governor ROMNEY. Yes.

Mr. SPRINGER. The other thing you are emphasizing, I think, is that in this program, before you get the program underway, the Secretary, himself, ought to sit down with designated bodies from the 50 States and talk this problem over before he sets the standards, not after he sets the standards and then have a lot of objections, is that correct?

Governor ROMNEY. That is one thing. But I am also saying that your committee ought to establish a procedure that will enable the Governors of this country to confer and in a meaningful way in making recommendations with respect to the basic legislation so it will be sound.

Mr. SPRINGER. All right, let's go to the next point. We have had former Governor Fannin here, who has been interested in this problem, and who has been a great promoter of the Vehicle Equipment Safety Commission. There are 44 States presently in that group.

If we can give help which will bring in the remaining 6 so that we have all 50 in it, that would be one thing.

Is this a vehicle by which we can proceed?

Governor ROMNEY. I know that Governor Fannin has proposed that vehicle. I know that the auto industry proposed that vehicle. I know that Governor Hansen, of Wyoming, speaking as chairman of the Governors' conference traffic safety committee with respect to the highway safety standards recommended another committee with respect to the highway safety standards.

What I am saying is this, that the VESC was not created to deal with the problem in the form we are now talking about dealing with it, and, consequently, I think the Governors ought to have a chance to sit down and consult on what we are going to create to deal with the problems as we are now undertaking to deal with it.

In other words, the VESC may be the vehicle or it may not be the best vehicle for State cooperation in this program. It was created for a limited purpose, with respect to equipment. It was not created to deal with all of the safety elements that go into a motor vehicle.

Mr. SPRINGER. Now let us come back up. This is not the vehicle. Is it all right, then, if we build into this legislation that there shall be a designated State agency, as we have had in similar programs, for Federal-State cooperation, which shall act for that State, depending upon whether that State want to make it the VESC or some other department? Is that all right?

Governor ROMNEY. That would be a good way to do it, if you leave it up to the person who is going to be responsible for the administra-

tion of the program the consultation and the development of such a structure.

Mr. SPRINGER. Then there is just this last thing, and this comes to the ultimate decision: Who shall make the decision ultimately after all the consultation is in?

Governor ROMNEY. With respect to the new motor vehicle, I don't question the Secretary making the ultimate decision after a procedure requiring him to confer and to allow a reasonable time for consideration by the States.

Mr. SPRINGER. Let's go, then, to the inspection on resale and the periodic inspection. Let me submit this to see what you think about it. Suppose that this Federal help we have outlined, \$55 million, I think—

Governor ROMNEY. Incidentally, that is peanuts.

Mr. SPRINGER. It is peanuts?

Governor ROMNEY. And let me add one other thing. I have tried to point out here that there are more States that can meet this cost on their own without setting up another great big organization down here to get the money in and then send it all back. This applies to the regulations that are set up, too.

I don't see why the Federal Government should get into creating universal, national programs except in those areas where the States, some States, are not doing an adequate job, and then the States that are doing the job ought to be allowed to do it and the States that are not ought to be helped. The people ought to know they are being helped and they ought to be encouraged to become self-reliant instead of leaning on Uncle Sam all the time.

Mr. SPRINGER. I agree with you on that. But I am realistic enough in Washington to know that there is probably going to be a Federal-State relation.

Governor ROMNEY. But my point is a fundamental one. Forgive me, but I want to make it. Where the Federal Government uses its money power in this relationship, they become all powerful regardless of any other consideration. I have been through that.

Mr. SPRINGER. Let me just develop this. I am trying to do something constructive here but I think we have to arrive at a point.

If you give, and I am talking about on a share relationship, maybe a 50-50 percent relationship, or if the States will enter into these two programs, inspect on resale and periodic inspection, together they can work out a program which will be administered by the States, not by the Federal Government, in these two last fields.

Does that make sense?

Governor ROMNEY. Let me add this, though, Mr. Springer: I know you realize that we have only been discussing the vehicle aspect of this bill, and that over and beyond the vehicle aspect are the other aspects of traffic safety.

Mr. SPRINGER. I understand. But my time did not allow me to get into that.

The CHAIRMAN. Mr. O'Brien?

Mr. O'BRIEN. Mr. Chairman.

I would like to address myself briefly to one part of your testimony, Governor. Do I understand you correctly in this respect, that you feel

so far in this inquiry there has been too much concentration on one part of the problem, in other words, the selection of a scapegoat or a whipping boy, and having very neatly done that we just walk away from the rest of the problem?

Does that summarize your feelings?

Governor ROMNEY. No, I wouldn't say that. I am not personally aware of all the people you have heard. I know you have heard many people. What I said was that as far as the country is concerned, as far as what has been reported about the hearings, those things of a sensational character have been reported and have tended to focus the public attention largely on one aspect of the situation.

I am not unrealistic in that respect either, sir. Before you can get results from the public, you have to catch their attention. I can appreciate the use of sensational charges to get attention, and dramatic charges. But once you get attention then there ought to be a consideration of the total program and there should not be an over-emphasis on just one aspect of the situation.

Mr. O'BRIEN. Then there would be nothing sinister on the part of any Member of Congress who would look at this problem from more than one angle?

Governor ROMNEY. No. I encourage that, and the chairman indicates that is what you are doing. I accept that statement. My purpose has been to indicate the urgency of this and the magnitude of the effort that is already taking place, and the sensitivity of what you are dealing with.

I just want to say this to you, that I don't know of anything of consequence that happens that doesn't affect the automobile business, plus or minus.

The automobile business is as sensitive, economically, as any economic activity in the Nation. It is a postponable purchase. Uncertainty or lack of confidence, or false expectations with respect to the future, can upset the automobile business.

You have some other factors in the immediacy affecting it, too, of an economic character, but that is another character.

Mr. O'BRIEN. I might say, Governor, that I think very little of this atmosphere you mention has been created by this committee.

Governor ROMNEY. I didn't say the committee has created it.

Mr. O'BRIEN. Or even Members of this House.

Governor ROMNEY. I haven't said that, either.

Mr. O'BRIEN. I know you haven't.

Governor ROMNEY. I don't disagree with that.

Mr. O'BRIEN. I have been in Washington long enough to know that the opinion of one Senator can command more public attention than the collective opinion of a very large number of House Members. I am not resenting it; I am accepting it. But I think that you have called attention, as has the chairman, to the point that the final legislation written on this subject will be by both Houses of Congress and not by the Senate alone.

Governor ROMNEY. I am pleased at that. As a matter of fact, let me say this, that I have heard nothing but favorable comment about the way in which this committee is proceeding to handle its responsibility.

I would like to say that with the chairman's attention.

Mr. Chairman, I just want to say this, that I have not heard anything but favorable comments about the way you and your committee are handling this whole problem.

The CHAIRMAN. Thank you.

Governor ROMNEY. That is true. What I had to say in here was based on, after all, what I hear out in the sticks. I am not down here. I am out at the grassroots.

Mr. O'BRIEN. Thank you.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

First, I would like unanimous consent to insert into the record a resolution by the Western Governors' Conference on Highway Safety. It is a short resolution by the Western Governors' Conference.

The CHAIRMAN. Without objection, that will be inserted into the record.

(The resolution referred to follows:)

HIGHWAY SAFETY

Whereas the deaths, crippling injuries and economic waste growing out of motor vehicle accidents have been rapidly increasing during recent years and the mounting total of registered vehicles, licensed operators, and vehicle miles driven further emphasize the gravity of this situation; and

Whereas traffic accident prevention requires a partnership of public officials—city, county, state and federal, with the assistance of national professional organizations and associations knowledgeable in this field—to solve this most complex problem of traffic accidents; and

Whereas the Western Governors' Conference is cognizant of the Baldwin Amendment previously enacted by Congress, as well as legislation presently pending before the Congress that will further encourage and assist the states in the development of highway safety programs: Now, therefore, be it

Resolved, That the Western Governors' Conference, in addition to commending the Western Interstate Committee on Highway Policy Problems for its recent highway policy statement, suggest to the Secretary of Commerce that he give full consideration to that statement in the development of standards on the subjects contained therein; and that each member state of the Western Governors' Conference proceed forthwith to implement the recommendation contained in the statement, that each state develop a comprehensive program; and be it further

Resolved, That the federal and state governments through the agency of the Vehicle Equipment Safety Commission and the automobile manufacturers should coordinate their efforts to provide an acceptable set of vehicle safety standards.

Mr. YOUNGER. Governor, I want to thank you very much for the contribution you have made. There is one problem which you mentioned, your difficulty in getting your legislature to pass recommendations in this safety field. You will remember that point?

Governor ROMNEY. That is right.

Mr. YOUNGER. How can our law be enacted, or written, so that it will help the Governors in getting better State laws?

Governor ROMNEY. I believe that the State-Federal committee that is contemplated under this act, or should be contemplated under this act, could serve the purpose of not only assisting and advising in a meaningful way, on an actual participation basis, in shaping the standards with respect to vehicles, but also with respect to the other aspects of traffic safety insofar as State responsibility is concerned.

In other words, I think if the Federal Administrator would bring the States together for the purpose of establishing the best possible recommended programs with respect to drinking drivers, with respect

to motor vehicle inspection, with respect to driver education, with respect to driver licensing, with respect to law enforcement, and these many other fields, and then having arrived at some understanding as to what ought to be done if the States were then given a reasonable period—3 years, as you have some legislatures meeting only every 2 years—a 3-year period to get action on these programs at the State level, and if they did not get them then the Federal Administrator puts them into effect across the Nation, I think this would constitute a reasonable and sound approach, basically, to an important Federal-State relationship.

I think the fact that the States were going to be confronted with national application of a program if they did not act would accelerate action.

Mr. YOUNGER. Would the grants contemplated in our bill on a matching basis of some kind be kind of a carrot to get the legislatures to act?

Governor ROMNEY. Well, it could be. On the other hand, as I pointed out earlier, the money aspect of it becomes a means of exercising greater Federal control and influence under some influence than I think Congress intended.

Most of the States are in a position to meet the financial aspect of it providing, and let me put this one in as it is important, providing we can work out a sensible relationship between the Federal Government and the State governments on financing State and local governments on all their activities.

Under present circumstances, where the Federal Government has largely preempted the major sources of revenue you have to provide some Federal assistance. But it would be a lot better if we didn't do it on that basis, and if the States that could meet their own financial requirements did so and the ones that didn't get some help and maybe they then would become self-reliant and self-sustaining down the road.

Mr. YOUNGER. Let us take a typical example. For instance, where you have an accident that involves drinking, and the report on the accident is very definite, that there was drinking involved in the accident. Most of us, I think, believe that in that case the driver's license ought to be suspended immediately for a good, long, meaningful period without any chance of the court reinstating it.

How can you get the States to adopt those laws unless you have some kind of a carrot or some kind of a force in back of it to make them do it?

Governor ROMNEY. The force I was suggesting be put in back of it, the primary force, was that if the States didn't act within a specified period of time the Federal Government would act and would make the program effective.

The financing side of it can be handled either way. Under present circumstances, I think you almost have to provide some Federal assistance if you are going to have an adequate financing.

Mr. YOUNGER. Some testimony has been entered, a small amount, recommending that the Federal Government take over the licensing of drivers. You would not go along with that, I take it?

Governor ROMNEY. I certainly would not. As a matter of fact, I don't think many people outside of those who have lived with this

problem realize the extent to which this problem is not even solvable by Government agencies. The big deficiency in the 1930's, when traffic fatalities reached the point of 16 per 100 million miles of travel was that the public officials were trying to do their job conscientiously but they didn't have public support.

The thing that has happened in the last 35 years was first under the leadership of Paul Hoffman, who has progressively filled more important posts as a result of what he did in the automotive industry in connection with safety. He was the first president of the Automotive Safety Foundation and the concepts used in the Automotive Safety Foundation were used in the Marshall Plan, and the concepts used in the Marshall plan he is undertaking to use today for the United Nations in helping impoverished nations.

There have been vast, private voluntary programs developed here, involvement of people at every level that they could possibly be involved, because practically every person has a part to play in traffic safety, the vehicle does, the road does, and public officials do.

Mr. YOUNGER. Thank you.

The CHAIRMAN. Mr. Dingell?

Mr. DINGELL. Thank you, Mr. Chairman.

Governor, as I read your statement I take it to mean that your comments are limited to section 1 of the bill, am I correct?

Governor ROMNEY. Not entirely, because I have commented specifically on title III, and suggested that the Federal-State relationship with respect to title III be jointly considered on a meaningful basis of State participation in finalizing that part, too. That is the highway safety standards.

Mr. DINGELL. Governor, with regard to this question of the 82-odd-million automobiles which are now over a year old, would I be fair to believe that you think there should be inspection of those vehicles by State agencies?

Governor ROMNEY. I personally believe that mandatory motor vehicle inspection at least annually would be a desirable thing.

Mr. DINGELL. Would you support legislation which would require the States, as a condition for receiving Federal aid, to have an adequate program of State auto inspection?

Governor ROMNEY. Well, it depends on how you go about it. If I can't get anything else across here today, I would like to get this across. Instead of approaching it on the basis that you have to bludgeon State people to do a job, why don't you recognize that the Governors and the people in the States are just as anxious to deal with traffic safety as your committee?

Mr. DINGELL. Am I to read into your comments that you think that I do not think you are trying to do a good job, that we have to bludgeon you into doing a good job?

Governor ROMNEY. No. But when you say you have to have money here as an inducement to get the job done, I miss my point.

Mr. DINGELL. Governor, let me make one thing very clear to you. I have not said that.

Governor ROMNEY. I thought that is what you asked me.

Mr. DINGELL. No, I did not. I said do you believe that this legislation should require that States have a program of motor vehicle inspection on a compulsory basis within their borders?

Governor ROMNEY. Only if the Governors or the designated representatives of the States have an opportunity to participate meaningfully in determining whether or not that should be undertaken, to participate with the Federal administrators, and only if the legislatures subsequently have time within which to deal with the problem.

But I think where you have proven means of improving traffic safety, and there is universal recognition on the part of the States and the Federal Government, that we ought to get them into effect.

Mr. DINGELL. Let me ask you this question: Does Michigan have a motor vehicle inspection law?

Governor ROMNEY. No. I have been trying to get one for 21½ years.

Mr. DINGELL. Have you requested that of the legislature?

Governor ROMNEY. Yes, sir; I have, and if you will get the Democratic members of the legislature to support it, we will get it up there. As a matter of fact, Congressman—

Mr. DINGELL. Just a minute, Governor. I did not come down here to engage in partison bickering with you. But it occurs to me that you have come down here with a chip on your shoulder, and it occurs to me that you want to engage in a partison hassle with me.

I want you to know this is not my intention. I intend to work out the best possible legislation possible, and I intend to give you the courtesy to which you are entitled as the Governor of Michigan. But I want you to know that this is a committee of the Congress and I will insist that you afford me the same privileges.

Governor ROMNEY. I do. You ask me whether I have submitted or proposed such legislation. As a matter of fact, 3 years ago I took steps to get the Michigan State University Traffic Safety Research Center reestablished so that we could have a proper agency to develop such programs.

They made a year and a half study of such a program. I submitted it to the legislative session a year ago. I submitted it again this year. I still have no prospect of getting action on it this year, even though every State that has a motor vehicle inspection program has a better traffic safety record than Michigan.

Mr. DINGELL. Now, Governor, as long as we are discussing this, since we are discussing partisan questitons, this is the first Democratic legislature we have had in the State of Michigan since 1934, and all during those interim periods we were never able to get a traffic safety program of this kind, one involving compulsory inspection; is that right?

Governor ROMNEY. I think both parties are at fault. As a matter of fact, Secretary of State Jim Hare and I have worked to try and get such legislation. He is the Democratic chairman of our State traffic safety commission. But I still say the only way I can get the program I am talking about is the way I originally indicated at this time.

Mr. DINGELL. Governor, you mentioned a number of sections—well, I will defer to a later time.

The CHAIRMAN. Mr. Devine.

Mr. DEVINE. I don't believe you have a chip on your shoulder, but you do feel that the press has overweighted this problem with respect to new cars rather than treating the overall problem; is that correct?

Governor ROMNEY. I don't blame the press for that.

Mr. DEVINE. Who reports this information?

Governor ROMNEY. They report what they hear.

Let me add to that. I have some appreciation of the problem of the press. They hear a great deal and they have to compress it a great deal. It is tough to build a compact car, but it is tougher to build a compact story, sometimes.

Mr. DEVINE. Governor, in order that we do put this into proper perspective, would you indicate that the information that has arisen out of the hearings before this committee has been out of balance?

Did you intend to imply that we should attack the 90 percent of the automobiles, the used cars not affected by this legislation, coupled with—and I thank you for your courage in taking a position on this—the 50 percent or more of the accidents caused by drunk drivers, that we should also involve ourselves with investigations into these particular areas? Is that correct?

Governor ROMNEY. Yes. I think we should be concerned with the total problem. I am heartened at the indication that your committee is approaching it in that spirit.

Mr. DEVINE. I doubt that the same emphasis will be given to the drunken driving aspect as to the question of the new cars. But be that as it may, you also mentioned the fact that you, in your State, would like very much to have compulsory automobile inspection.

Governor ROMNEY. That is right.

Mr. DEVINE. Do you happen to know from your great, vast knowledge as Governor, involving yourself in traffic matters, how many States do have inspection laws?

Governor ROMNEY. Twenty.

Mr. DEVINE. I know that in the early 1950's, I sponsored auto inspection legislation in my State of Ohio, your neighboring State. It passed the house and the senate. It was vetoed by the Governor. It passed over the house and it died.

Governor ROMNEY. Let me complete the picture with respect to motor vehicle inspection. I think you need two things. I think you need annual inspection of all vehicles, and I think you need spot check of vehicles and drivers by law enforcement officials.

I believe this year in Michigan we will get the spot check authorization. The legislature is indicating support for that, and the chairman of the senate committee responsible is supporting such spot check legislation. But you need both, in my opinion.

Mr. DEVINE. Attacking another cause of these fatalities, drunken driving, does your State of Michigan have a compulsory jail sentence for convicted drunken drivers?

Governor ROMNEY. Not initially, but we do have stiff penalties, including taking the driver's license away. But the problem in Michigan with respect to the drinking driver and enforcement of our law, and we have plenty of stiff penalties, it is not the lack of penalties. The problems there are, No. 1, getting evidence that is convincing with respect to the condition of the driver, the fact that he was drunk. This requires either an implied consent or an expressed consent law, or some way of establishing through protests that the man was not qualified to be driving the car.

Then the second thing we need is a greater enforcement application of the penalties of the law to the drinking driver. There is

too much of a feeling that the removal of the driver's license is too great an economic burden, or too much sympathy with the driver on the basis that, "Maybe it will be me tomorrow."

MR. DEVINE. Governor, wittingly or not, I think you have probably run head on into a philosophic argument here, based on whether or not the Federal Government has more knowledge and more information to better handle these problems than the folks back on the State level. This is a recurring thing every session of the Congress.

I share your thinking on this. You say you haven't used the words "States' rights." We are not engaged in sloganism here. You talk about States' responsibilities.

Governor ROMNEY. That is right.

MR. DEVINE. I would share with you that the States, along with the voluntary associations, have a great part to play in this and should not be subjugated to a lower level from the Federal Government.

Governor ROMNEY. I am saying we need a total effort here—Federal, government, industry, local, and voluntary associations.

MR. DEVINE. Thank you.

The CHAIRMAN. Mr. Rogers.

MR. ROGERS of Florida. Thank you, Mr. Chairman.

Governor, I have enjoyed your testimony this morning. I am a little concerned about trying to tie in all the State organizations currently in being.

It is my feeling we should have a commission appointed by the President, say, consisting of members of the industry itself, and I think they should be represented, the States should be represented, and, as you have mentioned, the consuming public and scientific community should be represented, to let them make recommendations to the Secretary on safety standards.

What would you think of such a commission?

Governor Romney. It would depend upon the nature of its functions.

MR. ROGERS of Florida. It would be to advise the Secretary on safety standards.

Governor ROMNEY. I will tell you: I don't personally favor that approach. I think that establishing these motor vehicle safety standards to the extent that the Government should establish them on the basis of performance and guidelines, to the extent that the States are responsible for various fields, I think, as public officials, governmental officials, I think they ought to work together to establish these standards, and use in an advisory capacity whatever private resources are available. But I do not believe in putting the private resource representatives right on the standards committee.

MR. ROGERS of Florida. You don't think that the industry itself, with its experts, should have a voice in saying what should be done?

Governor ROMNEY. I think in an advisory capacity, but I do not think they should have the same type of participation I have talked about for the States in working with the Federal Government.

MR. ROGERS of Florida. Do you think the State knows more about what ought to be done in the automotive industry as to standards than the industry itself?

Governor ROMNEY. I don't happen to believe that you should appoint representatives of private interests to public responsibility. I think when you are going to discharge a public responsibility, you ought to be in a public position.

Mr. ROGERS of Florida. I think we would agree that the Secretary is the one that has the responsibility to set the standards. This is simply an advisory commission to him.

Governor ROMNEY. If it is just an advisory commission of the type we have had in the past down in Washington, just advising with no more meaningful participation, then I don't see any objection to it.

Mr. ROGERS of Florida. What would the States do?

Governor ROMNEY. What I have outlined is more than that. What I have outlined is a more meaningful participation on the part of the States.

Mr. ROGERS of Florida. How will you participate when the Secretary does whatever he wants to anyhow? Your group would be advisory, wouldn't it?

Do you think the Governors, any more than the President could pick in a committee composed of Governors, industry, consumers? Do you think simply to have all the Governors advise would be the best procedure?

Governor ROMNEY. I didn't say that.

Mr. ROGERS of Florida. What would you propose?

Governor ROMNEY. I propose that in setting up this program, because the States have been doing more in this field than the Federal Government has, and has more experience at this point, and because it has to be a joint program, as far as government is concerned, that the States ought to be invited to participate in helping to shape the basic program and also that the program should provide a meaningful basis of participation in establishing the standards.

Mr. ROGERS of Florida. This is what I am trying to suggest; that you tie in the States with the commission.

Governor ROMNEY. But you asked me about consumers, industry, and others.

Mr. ROGERS of Florida. That is right. But you don't want them represented?

Governor ROMNEY. Not in the process procedure for establishing the standards themselves. In an advisory capacity, yes.

Mr. MURPHY. Will the gentleman yield?

Mr. ROGERS of Florida. That is interesting to me. I am surprised.

Do you have any standards you have set in the State of Michigan? Do you set safety standards?

Governor ROMNEY. Yes, we set some safety standards, equipment and others.

Mr. ROGERS of Florida. Just through this compact agreement?

Governor ROMNEY. Basically.

Mr. ROGERS of Florida. But you don't have a commission there to do it, I presume, at the State level?

Governor ROMNEY. Not separately.

Mr. MURPHY. Will the gentleman yield for a question?

Mr. ROGERS of Florida. What would be your feeling about requiring a certificate of safety before a second-hand automobile is sold?

In other words, the seller of a second-hand automobile would have to make sure that the brakes were right, the basic safety features in good working condition before he sold the car. Would you favor such an approach?

Governor ROMNEY. That would depend upon the basis upon which such certification was going to be developed.

Mr. ROGERS of Florida. Say we set it by a Federal standard.

Governor ROMNEY. I don't think there is any special wisdom down in Washington with respect to motor vehicle standards.

Mr. ROGERS of Florida. As I understand it, you haven't been able to do it in your State, I though you said.

Governor ROMNEY. You know, we are discussing a relatively new problem.

Mr. ROGERS of Florida. We have been dealing with it for 10 years in this body. You have accused us of doing nothing because we have allowed the States to have preeminence. Now that we start it, you say, "Well, you haven't done anything; leave it to us."

Governor ROMNEY. I didn't say that. I didn't say that once, and I haven't said it at all.

Mr. ROGERS of Florida. That is my understanding.

Governor ROMNEY. You are completely wrong.

Mr. ROGERS of Florida. Then I stand corrected.

Governor ROMNEY. You are 100-percent wrong on that. I started out by saying that the Federal Government had a role and that the Federal Government ought to come in and do its part. But in coming in to do its part, it shouldn't eliminate everybody else, including the States. That is what I said.

Mr. ROGERS of Florida. As I understood it, you want the States to advise and tell the Government what to do. You say we have been negligent in not doing anything.

Governor ROMNEY. I have said the States ought to have a meaningful role in this.

Mr. ROGERS of Florida. We are trying to give you one.

Governor ROMNEY. Good. Thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman.

We are interested in this committee, and throughout the Congress, in trying to determine the Federal-State Government relationship. I have in my hand a publication by one of our colleagues, a Governor, entitled "The Future of Federalism." I think we should be concerned in a basic way with the philosophy that you are trying to put across here.

Automotive safety is not the only field. You have boat safety, private plane safety, and then you can move into other areas such as education.

What I would like to have you do, if you can, is to give in summary what you feel is the basic philosophy that the Congress should have regarding this problem of the delegation of duties and responsibilities to the States, especially in the area of legislation that pertains to the FCC, SEC, and FPC.

Governor ROMNEY. What I am basically saying is essentially what Gov. Pat Brown of California has been saying for a longer time than

I have, and that is, where the Federal Government is going to set up a new program that involves the States as well as the Federal Government, if the Federal people concerned would bring in the States and let them consult in the process of setting up the program, we would set up sounder programs than if the Federal Government goes ahead and sets up the basic programs and then confronts the States with what has been set up and with their responsibility in trying to carry the program out. That is what I am saying.

Mr. KEITH. You made that point. If you were a Governor, say, in that capacity, sitting with this committee, what would be the essence of the philosophy and framework of the legislation which you would recommend, not with regard to automobile safety, but the reference to the Federal-State relationship in the area of Federal-State dual responsibilities and control?

Governor ROMNEY. I think if the States were given this opportunity, the States would give their best judgment and consult among themselves to make the soundest recommendations they could make, and then it would be up to the Federal Government in the area where there is Federal responsibility to either accept or to shape it on the basis of their own thinking.

Mr. KEITH. What would be your recommendations to this committee under those circumstances; that is, if you were speaking collectively for the Governor as a result of a session that had been called by this Congress? If you were to be their spokesman, what would be the trust?

I admit you come, perhaps, unprepared to answer that question, but, nevertheless, you are best qualified of any Governor in the country to answer it. What would you think the directions should be?

Governor ROMNEY. Do you mean with respect to this particular program we are talking about here, or are you talking broadly and generally?

Mr. KEITH. Broadly and generally.

Governor ROMNEY. As I say, I think that the States ought to be brought in in the process of setting up the program and then have a meaningful participation in the execution of the program so that it is a true partnership relationship, and where there is a joint responsibility.

Mr. KEITH. In what way would you define the areas of joint responsibility in this specific legislation?

Governor ROMNEY. I think there are certain areas that can best be carried out by the Federal Government, and there are certain areas that can best be carried out by the States, and need to be carried out by the States. I think the determination of who is going to do what ought to be essentially on that basis.

Mr. KEITH. Can you give us any preliminary indication as to where this responsibility should be broken down?

Governor ROMNEY. In this connection?

Mr. KEITH. Yes.

Governor ROMNEY. Yes. I have indicated that in connection with the motor vehicle itself I think the Federal Government ought to have the primary responsibility of ultimately establishing the motor vehicle safety standards for new vehicles, but after a meaningful participation by the States in helping to shape those standards.

With respect to the used car, I think the States need to discharge the primary responsibility there. In the field of highway safety standards, I think the States have the primary responsibility in connection with the highway safety standards, as long as they are the ones who are going to have to enforce them.

MR. KEITH. With reference to highway safety, we have in Massachusetts—

Governor ROMNEY. But I think the Federal Government can be helpful in this. If you want to put some zip behind it so that there will be needed State action, give the States time to develop recommended programs, and if they don't act within a reasonable time, let them be imposed nationally.

MR. KEITH. Do you recommend matching funds for this program?

Governor ROMNEY. Under current Federal-State financing relationships, yes. Under a better one, no.

MR. KEITH. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Kornegay.

MR. KORNEGAY. Thank you, Mr. Chairman.

Governor, first let me say that your recommendation that the States have an important role to play in this whole area is in agreement with my thinking on it.

Governor ROMNEY. I am pleased.

MR. KORNEGAY. The bill, of course, hits at only one facet of the total highway safety program. Insofar as the committee is concerned, and I can't speak for the chairman, but knowing his as I do I think we would all welcome the opportunity to hear all 50 Governors if they would come here and testify. It would be very interesting.

I congratulate you for taking the time to come down here personally and to give us the benefit of your thoughts on this matter. Certainly this committee is not in any way trying to fail to give consideration to the thinking of the State governments because, as I see it, it is only through the State governments, in cooperation with the Federal Government, and by all means the general public, that any appreciable impact is going to be made on highway accidents in this country.

There is just so much that we in Congress can do. We can, I think, follow the general idea of imposing standards on new automobiles, which certainly is a start. I am hopeful it is a start in the right direction.

You contend that the States should be consulted prior to the promulgation of any rules and regulations on safety standards by the Secretary of Commerce. If it were written into this bill, would you require the Federal Government to confer with State governments prior to making safety standards?

Governor ROMNEY. Basically, that is what I am talking about.

MR. MURPHY. Would the gentleman yield?

Governor ROMNEY. Plus giving us not only an opportunity to appear before the committee here, but, as a group, to discuss this thing and make recommendations with respect to how this can be done.

MR. KORNEGAY. I say again, I can't speak for the chairman and other members of the committee, but I would frankly like to see a lot of Governors come in here and testify, and to see my Governor come

in here and testify. We have recently adopted for the second time an automobile inspection law. I think it would be interesting to the committee to know exactly what is going on in my State.

I yield briefly to my colleague.

Mr. MURPHY. Governor, how long a period of time would the industry need for enactment of legislation that required reasonable, let's say, safety design or equipment on a vehicle for their design and tooling?

Governor ROMNEY. It would depend upon what you were dealing with.

Mr. MURPHY. I say "reasonable safety standards," such as the 17 for GSA.

Governor ROMNEY. Every part of the vehicle differs. Putting on some equipment is a much simpler thing than dealing with the basic design of the vehicle itself. The basic design of the vehicle has a great deal to do with safety.

Let me specify. I will give you an example of what this can lead to. You are talking about the Secretary establishing the soundest possible safety standards. I was in the industry and I thought that the particular engineering of our cars was superior to the cars of our competitors from a safety standpoint. We used aircraft-type engineering and construction to build our cars. The other companies were using frames and detached bodies.

I think the airplane-type construction is safer. Maybe the Secretary will conclude it is safer. Maybe he will conclude a particular steering mechanism is safer than another. You get into basic design aspects of that type with respect to the automobile and it can affect many other components of the automobile.

The one I mentioned first affects the whole car, and how you are going to design it and engineer it, and so on. It can take years to do it. To do it on a basis so you will have as safe a car as you can put on the road can take a minimum, if you are getting into fundamental design, a minimum of 5 or 6 years.

Mr. MURPHY. Thank you.

Mr. KORNEGAY. That would get into the technical aspects of it. I think that is what Mr. Rogers had in mind when he referred to the technical advisers from the industry being necessary in order to determine what were the best features. You must have from some source some technical advice for setting the standards.

Governor ROMNEY. You know, the principal ideas for improvement of vehicle safety are going to come from the thousands of firms, the thousands of technicians, in the vast automotive industry and all of the related industries. The automotive industry draws on practically all the major industries of this country in coming up with improvement in the vehicle.

I have pointed out when I was in the industry that more of the improvements come from the suppliers than the vehicle companies themselves. To have the idea that under section 2, or title II, you are going to create Federal research that is going to be the principal source of improvements in the vehicle is naive and unrealistic.

Mr. KORNEGAY. Let me ask you this last question: What would it take in the industry to create the element of competition on safety features that you now have on styling and things of that sort?

Governor ROMNEY. No. The problem today is to get them to use You are doing it by creating a greater public concern and interest in the safety of the vehicle, and this is going to accelerate developments in this area.

Mr. KORNEGAY. In other words, you wouldn't run into the same problem today with seat belts as you did in 1952?

Governor ROMNEY. No. The problem today is to get them to use them once they have them in the car.

Mr. KORNEGAY. I agree with that.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Curtin.

Mr. CURTIN. Thank you, Mr. Chairman.

Governor, I think you have made a very substantial contribution in helping us with this controversial problem. I am personally very happy that you could be here today.

Governor ROMNEY. Thank you.

Mr. CURTIN. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Van Deerlin.

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

I join my colleagues in expressing satisfaction and interest in the appearance of Mr. Romney. I think it is easy to see why the Governor of Michigan has become one of his party's favorite 1968 models.

The auto industry became great by its standardization and assembly-line techniques. I would gather that you wouldn't want a system established whereby the industry would become subject to individually State-imposed safety standards in production and style, such as is contemplated in the State of New York with this prototype model they have built. Wouldn't you rather see a standardization carried out through national specifications?

Governor ROMNEY. I have indicated that. Yes. I have supported here a proper Federal role in establishing motor vehicle standards and highway standards. I favor the Federal Government playing its full part in these two areas of standards as they relate to traffic safety. I am very fearful that it could be done in a way that will set back both traffic safety and our economy. I have made that clear.

I don't know of any economic situation more complex than the one we are dealing with here as it relates to a single industry.

Mr. VAN DEERLIN. But you wouldn't want to see the auto industry compelled to make one kind of car for sale in New York and another in California?

Governor ROMNEY. No. You would stifle the industry's ability to make its contribution to the economy.

Mr. VAN DEERLIN. This is truly as interstate an industry as there is.

Governor ROMNEY. I think that is right. I think that is one reason why the Federal Government should play the key Government role, whatever that is going to be in establishing motor vehicle safety standards. I have tried to make that clear.

But on the other hand, the States have an important role to play, and can make a contribution with respect to the new cars, and they have the fundamental responsibility beyond the new car area.

This thing can be carried to the point you indicate in your discussion. Under the language of this bill, if the Secretary wanted to

involve himself in the total design and engineering of the vehicle, he could do it. I think you have to do that to get a completely safe car.

We completely changed our engineering and tooling to produce what we thought was a better car and a safer car back in the late 1930's. There can be differences of opinion, but if the Secretary is going to get into every aspect of the automobile itself and its direct and indirect relationship to safety, it can stifle new model development; it can completely alter the basic economic character of this industry.

As a result of creating the public idea that there is going to be a lot better road down the road, because now the Federal Government is going to get into it, it can stop current sales.

Mr. VAN DEERLIN. I yield to Mr. Kornegay.

Mr. KORNEGAY. Governor, do you think there is any danger in building another *Titanic* as far as the automobile is concerned, building a car that everybody would think was safe and unsinkable?

Governor ROMNEY. Yes, sir. I just want to say to you that after you use all of the hings you can use, and all of the testing you can use, and you do everything else, and you get the car out on the road, the interrelationship between components and other things is such that you run into defects in the hands of users that you haven't been able to detect.

Then you scramble to take care of them. Incidentally, this aspect of the situation is being overpainted, too. I don't know of anybody more concerned about safety of the vehicles than the automotive people have been, but I will say this: That they haven't gone as far as they should go in that respect. This is the first time, to my knowledge, where the automobile industry has failed to step up as quickly as it should have to a public problem where it had responsibility.

I can take you back from the beginning of the industry and trace the cooperative effort to meet the public interest. In my opinion, this is the first place where they have been a little late. I am concerned that things not be done here that would impair what the States can do and what others can do, as well as the industry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Cunningham?

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

Governor, we have had a lot of witnesses here and in my opinion a majority of them did not know what they were talking about because they have not had experience in this field. You have—you have had experience in automobile manufacturing and as Governor. I happen to have professional experience in this field myself, and I think we have to get down to brass tacks. I accept your statement. There are hundreds of thousands of people around this country who are working this field of traffic safety.

Governor ROMNEY. That is right.

Mr. CUNNINGHAM. There are hundreds of organizations that are doing tremendous jobs.

Governor ROMNEY. There are millions of people.

Mr. CUNNINGHAM. Millions.

Governor ROMNEY. Yes, sir.

Mr. CUNNINGHAM. What concerns me is that there have been some publicity seekers here who don't know what they are talking about,

and they have gotten big headlines across the country in the newspapers. They have tried to say that the cause of these deaths and injuries is due to the design of the automobile. There are no figures available, I think you will agree, that would prove that the design of the car is the cause of injury and death.

Governor ROMNEY. Well, there is some information indicating that the character of the vehicle has played a part in connection with the nature of the injury and the magnitude of it.

Mr. CUNNINGHAM. There have been some university studies, but I am not sure that I would have any faith in university studies as far as that is concerned.

Governor ROMNEY. As a man from the industry, let me make it clear that I personally think the vehicles themselves can be made safer, and I expect to see them be made safer.

Mr. CUNNINGHAM. And they have been made safer.

Governor ROMNEY. And they have been made safer through the years; yes, sir.

Mr. CUNNINGHAM. You are busy, and you cannot read all of this stuff that has been said here, but the statement was made that there have been no safety improvements in the vehicle from 1940 to this year.

Governor ROMNEY. That is not correct.

Mr. CUNNINGHAM. That is absolutely ridiculous.

Governor ROMNEY. That is not correct. There have been many improvements since that time.

Mr. CUNNINGHAM. But if we adopt legislation that says the Government is going to take over this problem, would it not discourage the millions of people working to reduce traffic and the hundreds of organizations, and won't they say, "Well, I guess the Government is going to take it over," so there is nothing for us to do?

Governor ROMNEY. That slowing-up process is already underway as a result of just the prospect of that.

Mr. CUNNINGHAM. That is right.

And as a result, we are not going to lick this problem. We are going to have double or triple the number of accidental deaths and injuries as a result of automobile accidents. That is what worries me.

Governor ROMNEY. It worries me, too, because you can combine the local governments and the State governments and the Federal Government, and they can't begin to do this job. This job is one that has to be done primarily by private industry and volunteer associations all through the country. You have to involve the people.

Mr. CUNNINGHAM. That is exactly my point. There just is no way that we can prove that the design, in my opinion, is the result of these accidents. There have been studies, and I agree with that, but I say again I don't know that I would have confidence in college professors making studies of this problem when they, I am sure, or am convinced, don't have any knowledge or any special knowledge in this field. You have to be in it full time.

Governor ROMNEY. I have more faith in the university people than you have. I think they have come up with some meaningful findings in some instances, where they have gone at it, on an objective and a scientific basis.

On the other hand, I think some have gone overboard. I know of some ardent, amateur, academic specialists who are very biased in

their approach to this whole problem and who are feeding out partial information that can create confusion.

Mr. CUNNINGHAM. One of the members of the committee again referred to the fact that the Federal Government fleet has demanded 17 safety standards to be built into these cars. But when Secretary Connor was here, I asked him about this. Anybody who has been in this work knows that you have to have figures, you have to have reports of accidents, and you have to analyze them.

I asked Secretary Connor if they had any reporting system that would prove that the 17 safety features or standards cut down on accidents. He said they don't even keep a reporting system. Here is your Federal Government getting into this act and they, themselves, don't have the most fundamental feature of accident prevention.

Governor ROMNEY. Well, we don't know nearly enough about the nature of the problem we are dealing with, from the standpoint of the highways, the car, or the drivers. We need to know more. We need a great deal more research.

Mr. CUNNINGHAM. I just want to conclude, sir, by saying that you have made real sense here. I accept the paper you have presented. I know the importance of these volunteer organizations. I say again that if this bill would ever pass in its present form and all of these people, these millions, these volunteers, and these safety organizations, throw up their hands and say, "The Federal Government is going to do it," we are not going to cut down on these accidents but we are likely to double them and triple them.

I might say also that I have been in this work for a long time and I am amazed at the publicity seekers who try to dwell on what we call the second collision. There wouldn't be a second collision if there wasn't a first collision.

Governor ROMNEY. That is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SATTERFIELD?

Mr. SATTERFIELD. No questions.

The CHAIRMAN. Mr. Harvey?

Mr. HARVEY. Mr. Chairman, I seldom get a chance to have my Governor as a captive audience, even for 5 minutes like this. I will not take advantage of it today.

I just wanted to say, Governor Romney, I think you have been a very valuable witness to this committee. We appreciate your coming. You have presented a very fine statement.

Governor ROMNEY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Huot.

Mr. HUOT. Mr. Chairman, I would like to congratulate Governor Romney for his fine statement, and also I appreciate the value he has placed on the States being meaningful partners in this.

You stated in your remarks that your State has failed for 3 years to put in a State inspection, and that there are only 20 States that have Federal inspection. Do you think that we ought to use Federal persuasion by withholding Federal funds to States to encourage them to adopt inspection laws?

Governor ROMNEY. What I have suggested is that whatever State-Federal structure is set up here, it be authorized to come up with high-

way safety standards which would include inspection and things of this type, and if, after a reasonable period of time, during which the States could act, they don't act, that such standards that are clearly known to be desirable, and so on, be imposed nationally.

Mr. HUOT. You also indicated strongly the need for either the Secretary to call a meeting of the Governors, or the chairman of this committee to call a meeting. You have a setup of Governors' conferences, I believe.

Governor ROMNEY. That is correct.

Mr. HUOT. Don't you feel that this conference could, itself, meet or call a meeting of its own? I am sure that everything that has been discussed over the past weeks here is well known, although probably not the testimony of every witness is known. I am sure the Governors are well aware of what is going on.

I hope later on this afternoon to be able to introduce a representative from my Governor, Governor King of New Hampshire, to show the progress New Hampshire has made in the field of safety.

But don't you feel that the Governors could, themselves, call a meeting and make recommendations? I am sure that this committee is more than interested to cooperate with the Governors or their nominated representatives who might come here.

Governor ROMNEY. Yes, they could, and I think the opportunity exists for that, providing the committee is going to proceed on a time schedule to permit it to develop. The Traffic Safety Committee of the Governors' Conference, the committee that Senator Ribicoff headed when he was part of the Governors' Conference, is meeting in June. Then the Governors are holding their annual conference in Los Angeles in July, July 5, 6, and 7.

Between those two meetings, there will be opportunity for the Governors to make recommendations in this area. They could do it on their own, although I personally think you need a dialog and a discussion. They could get together and consolidate their recommendations and have one or two come down and confer and submit the recommendations, and then talk them out.

Mr. HUOT. I am sure that any recommendations of the Governors conference preseted to this committee would be carefully considered by this committee.

Governor ROMNEY. Yes; it could be done that way.

Mr. HUOT. Thank you very much, Governor.

That is all, Mr. Chairman.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Governor, it has been most interesting to hear from you this morning. You stated that we were declining in the rate of deaths per 100,000. You are aware that this year the curve has gone back up and that three times as many Americans have died in the first 3 months of this year as have died in Vietnam in 5 months. This does cause concern, does it not?

Governor ROMNEY. There is no question about it. There is ample reason for the concern to be shown.

Mr. MACKAY. I come out of a State legislature, and I realize this is a local problem, but wouldn't you agree that with 49,000 deaths and

4 million injured, that it is a national problem, requiring a national response?

Governor ROMNEY. There is no question about that.

Mr. MACKAY. You have testified about the deficiencies in the administration bill, and I agree. I don't know whether you are familiar with the bill to establish a national traffic safety agency, which is supported by 45 Members of this Congress. Have you had that brought to your attention?

Governor ROMNEY. I know there is such a bill. I have not had an opportunity to study it in detail.

Mr. MACKAY. I would like to furnish this to you along with 28 questions and get your reaction. I think if we come up with a national approach as distinguished from a purely Federal approach, it would appeal to you.

Governor ROMNEY. Very good.

(The reply to Congressman Mackay's questions will be found in the committee files.)

Mr. MACKAY. About title I and motor vehicle safety performance standards, the president of General Motors said it would be chaotic to have 50 conflicting standards in the several States. You would agree with that, would you not?

Governor ROMNEY. Yes.

Mr. MACKAY. We do have Federal standards for air safety. Do you have any criticism of the air safety regulations?

Governor ROMNEY. I am not sufficiently familiar with it to comment on it in any meaningful way. I do know that in that area, as well as the missile area and other areas where the Federal Government is up to its neck, you still have safety problems and mechanical defect problems.

Mr. MACKAY. We have done a pretty good job on air safety, though, haven't we?

Governor ROMNEY. It is a totally different situation.

Mr. MACKAY. I am surprised you didn't object to the provision in the administration bill which permits the States to pass more stringent regulations than the Federal Government. This gives a hydra-headed situation where you could have Federal standards and then permit an aggressive group in New York or California to further complicate the role of the auto manufacturer.

Governor ROMNEY. I am not for eliminating the opportunities of the States to do what they think ought to be done in this country.

Mr. MACKAY. That was not the question.

Governor ROMNEY. I think a great deal of the progress we have made has been as a result of the States doing things ahead of the Federal Government and I don't want to eliminate that possibility in this field.

Mr. MACKAY. I would like to get a direct answer on this.

Do you favor the State legislatures having the authority to create more stringent safety regulations than the Federal regulations?

Governor ROMNEY. Yes. I don't object to it. I don't see how else they can pioneer and go beyond the Federal Government.

Mr. MACKAY. Do you favor Senator Speno's prototype car?

Governor ROMNEY. Sure. I don't object to prototype cars, but I want to say this to you: that building one prototype car is a very small part of dealing with this problem. You don't prove much with one prototype car.

Mr. MACKAY. You don't object to the Federal safety performance standards, as I understand it, but you want meaningful participation by the States.

Governor ROMNEY. Yes.

Mr. MACKAY. It would be helpful if you would suggest specific language that you feel would assure meaningful participation.

Governor ROMNEY. I have deliberately refrained from doing that because I am a great believer in working with others who ought to have a part in recommending something that will involve others. I think all the States are involved in this and whatever I would recommend of a specific character I would rather work out with the others rather than doing it individually.

Mr. MACKAY. You are criticizing the bill, and it is our task in Congress to write a bill. Your suggested language would be helpful.

Governor ROMNEY. But I outlined a procedure that I thought would give you specific language.

Mr. MACKAY. Do you know any place, public or private, where there is coordination of research as to the cause of accidents and resulting injuries, every aspect?

Governor ROMNEY. Every aspect?

Mr. MACKAY. Yes.

Governor ROMNEY. No. There are certain aspects being investigated.

Mr. MACKAY. Do you think it would be desirable for us to do that?

Governor ROMNEY. I think in total, yes, but I think it would be quite wasteful to duplicate what is being done.

Mr. MACKAY. Do you think the Federal Government ought to gather accurate data on traffic accidents?

Governor ROMNEY. Surely. As a matter of fact, we don't even have accurate data at the State level.

Mr. MACKAY. I want to simply call something to your attention. Your testimony—

Governor ROMNEY. Some of the recommendations I have made to my legislature call for more accurate records.

Mr. MACKAY. The testimony you gave in 1958 before the Kefauver antitrust and monopoly subcommittee is very interesting in retrospect because it asserts about the same thesis Mr. Nader did in his book, and that is that Detroit has become so monopolistic that they have quit competing on safety.

Do you recall that testimony?

Governor ROMNEY. Sure I recall that testimony. I told you in my testimony here today that I have been critical of the industry. I was critical when I was in the industry. But I also can see when there is a lack of balance and perspective in dealing with the problem and where other things of tremendous importance are involved and need to be reckoned with, too.

Mr. MACKAY. Will you still stand on the testimony you gave then?

Governor ROMNEY. Yes, I do.

Mr. MACKAY. I would like to submit this material to you. I would appreciate any comment you would have on it. I am hopeful that you will support—

Governor ROMNEY. As a matter of fact, Mr. Chairman, I would like to submit a statement I made November 1, 1955, in which I recommended to the industry—and I was then part of the industry, a member of the board of directors of the Automobile Manufacturers Association—that the industry accelerate its safety programs with respect to motor vehicles. It is a 3-page recommendation. It would include the creation of an Automotive Safety Research Institute.

I would also like to insert for the record a talk I made at the Automobile Dealers Show in Detroit on December 1 of this year, in which I repeated what I said in 1955, and in essence what I said before the Kefauver committee, and with the presidents of the four automobile companies present I said:

Is this really enough? Has the industry done everything it could cooperatively as well as competitively? Has it not sometimes neglected safety for style? Has it not overemphasized speed and power and predisposed the driver to imagine he is at Daytona instead of on the John C. Lodge, to drive as if the tiger isn't in the tank or under the hood, but crouched behind the wheel.

In other words, I am not here defending the industry. I am here trying as a public servant to present a balanced picture with respect to a great public problem that needs to be dealt with in a very careful way if we are going to accomplish our objectives.

The CHAIRMAN. Without objection, the two papers will be inserted into the record at this point.

(The documents referred to follow:)

PUBLIC RELATIONS DEPARTMENT, AMERICAN MOTORS CORP., DETROIT, MICH.

SAN FRANCISCO, November 1, 1955.—A challenge to the automotive industry to wage a concerted frontal attack on accident hazards by forming an Automotive Safety Research Institute was made today by George Romney, president of American Motors Corporation.

The highway toll confronts the nation with a problem of such magnitude and importance that it demands intensified cooperation by all passenger car manufacturers to supplement the competitive measures they are taking separately in the field of passenger safety, Romney said.

The Detroit industrialist, here for a meeting with dealers from 11 Western states, urged that passenger car safety be removed from the "competitive and publicity area" into which it has recently drifted, in favor of an industry-wide approach to the problem.

Romney proposed that a new organization, an Automotive Safety Research Institute, be created to apply the industry's cooperative and competitive resources to building maximum safety into all passenger cars.

The Institute's purpose, he explained, would be to aid all companies by securing accurate data on two basic points:

1. Accident statistics showing what happens to passengers and vehicles when collisions occur.

2. Controlled tests of available vehicle design and possible future design.

Another purposes would be the education of the public in the proper use of safety devices and at the same time avoiding excessive claims or expectations from the use of such devices.

To secure adequate data on the different types of present and future passenger car construction and design, Romney pointed out, hundreds of motor vehicles must be put through destructive tests. The entire industry will benefit by having an objective research organization conduct the tests and measure the relative degrees of safety or hazards inherent in the various types of vehicles. A reliable evaluation of data on the causes of passenger injuries, which would be made available to all companies through the Institute, should stimulate prog-

ress toward the building of safer motor vehicles, he explained, and help reduce the annual traffic toll.

Some private organizations are tackling some aspects of these problems Romney pointed out, but they are not adequate nor do they have the industry-wide support that would make their efforts most productive and useful. The institute should not replace such efforts but support them and make certain of their adequacy.

Formation of this new cooperative organization would follow the automotive industry's historical approach to problems where human welfare and the public interest are importantly involved. In the past, the industry has freely combined its cooperative and competitive efforts in tackling such problems, he said, citing as examples the programs of the Society of Automotive Engineers, the Automotive Council for War Production, Automotive Safety Foundation (an agency working to reduce traffic accidents but not active on vehicle safety) and recent activities relating to headlight development, smog research, and emergency brakes for motor trucks.

In noting the Ford Motor Company's recent offer to make available to other companies information on its particular type of protective devices, Romney commented that American Motors likewise is ready to reciprocate by supplying other car manufacturers with the results of its 16 years' experience in perfecting the superior safety of single unit body-and-frame construction, as well as other safety features. Furthermore, American Motors will offer other companies factual information resulting from independent research tests of this safety construction principle.

"Passenger car safety is too important a subject to be confined to competitive areas, or to be exploited for publicity advantages," Romney said today.

"One danger of such an approach is that it may tend to over-emphasize one type of safety feature and, conversely, blind the public about other aspects of safety that are of equal or more importance.

"The highway accident and fatality problem demands united, consistent and vigorous action by the automotive industry as a whole," he asserted.

"The piece-meal activities of automotive companies fall short of what the public has a right to expect," he emphasized. "A cooperative mechanism such as an Automotive Safety Research Institute can make a significant public contribution at this critical stage of America's highway transportation development."

He suggested that "the fog of competitive claims" has tended to obscure some of the fundamental contributions to passenger safety made available through advanced engineering techniques. Objective tests must be made by an impartial agency such as the Institute, he maintained, in order to obtain a reliable evaluation of data on the causes of passenger injuries, and of construction methods which will afford more protection against such injuries.

The Automotive Safety Research Institute would subject hundreds of passenger vehicles to crash tests at various speeds to measure the degree of impact, ability of the vehicle to absorb the impact, and relative safety afforded passengers through inherent vehicle construction. Test results would be made available to all passenger car manufacturers to stimulate their design and construction of safer motor vehicles, he explained.

"A basic task of safety engineering is to provide cars with adequate impact absorption, that is, the ability of the car structure to soak up the forces of collision. The car should take the beating instead of the passenger.

"We feel that marked progress still can be made in incorporating greater safety features in passenger cars, and we know we can learn from other companies' experience just as they will learn from ours. Therefore, we'd like to see other passenger car manufacturers join in the formation of the Automotive Safety Research Institute for a cooperative pooling of technical information, engineering skills and equipment on this common problem, and to conduct the type of educational campaign that will make the public more safety-conscious when driving and riding in passenger cars."

REMARKS PREPARED FOR DELIVERY BY GOVERNOR GEORGE ROMNEY, GOLDEN ANNIVERSARY DETROIT AUTO SHOW, COBO HALL, DETROIT, DECEMBER 1, 1965

It's good to be back in the car business again, if only for an evening. Even in years when Detroit does not play host to the National Auto Show, our own Detroit Auto Show proves that Michigan is still the automotive capital of the world.

Your slogan for the Show this year is "See them all, big and small." Well, I just did—at least I *think* I saw them all—and, believe me, this isn't any compact Show! As a matter of fact, I was more interested in the big ones than the small ones—because, since I've been in politics, I've learned the importance of having a long wheelbase and as big a chassis as possible.

My former associates in the automobile industry sometimes ask me what it's like to be in government and politics, after so many years in business. Well, it's not as different as you might think. You still deal with people, and your biggest job still is solving problems. Sometimes you have fewer tools to do the job, and the lines of responsibility are fewer and fuzzier. At times it's like repairing a modern car with a pair of pliers, a screwdriver, a wrench and a committee.

Some of the subjects I am dealing with today are the same ones I faced in industry, although the view from Lansing is somewhat different from the view from Detroit. I want to talk with you about one of them tonight. I was concerned about it when I was in industry. I am concerned about it today. And you are concerned about it, too. The subject is traffic safety.

As a matter of fact, ten years ago, a brash, young President of American Motors, who was never reluctant to admonish his industry associates, came up with this unsolicited advice:

"Passenger car safety is too important a subject to be confined to competitive areas, or to be exploited for publicity advantages. One danger of such an approach is that it may tend to over-emphasize one type of safety feature and, conversely, blind the public about other aspects of safety that are of equal or more importance."

"The highway accident and fatality problems," he went on, "demands unified, consistent and vigorous action by the automotive industry as a whole. Some private organizations are tackling some aspects of these problems, but they are not adequate nor do they have the industry-wide support that would make their efforts most productive and useful. The piece-meal activities of automotive companies fall short of what the public has a right to expect."

So he proposed that the industry get together to form an "Automotive Safety Research Institute, to apply the industry's cooperative and competitive resources to building maximum safety into all passenger cars," collecting "accident statistics showing what happens to passengers and vehicles when collisions occur," and conducting "controlled tests of available vehicle design and possible future design."

Well, that was ten years ago. Since I became Governor, I've had some experience with traffic safety at the state level. I have submitted three special messages to the Legislature. I've appointed a Governor's Special Commission, in which 219 key Michigan citizens, and officials cooperated to produce more than 100 recommendations. We have held 22 Governor's Conferences on Traffic Safety. But with all this, the legislature has approved only a handful of the proposals we have advanced.

Meanwhile, the tragic toll of accidents, injuries, and deaths on Michigan highways mounts relentlessly. Traffic deaths last year in Michigan were among the highest ever recorded. So far this year, fatalities are down three percent from the same period last year, but injuries are up eight percent and accidents are up 11 percent. If present trends continue, Michigan is headed for a record number of traffic accidents in 1965.

Statistics are cold, but these aren't just statistics. These are people. Each number—each fraction of a percentage point—is a human tragedy: a life snuffed out, a grieving family, a painful, perhaps crippling injury, or an economic loss. And yet we do not act on some fundamental, proven programs that would make our highways and streets safe.

I wonder how much longer the citizens I serve in government, and the customers you serve in business, will shrug off this ghastly by-product of American technology and skill. I cannot believe that they will long remain indifferent.

Evidence is piling up that action on many aspects of traffic safety is imminent. I hope it comes from state and local government, the independent sector and from the automotive industry. That's where it should come from.

But if we do not act, and act promptly, the federal government will. The competitive and cooperation decisions of industry will be replaced by the decisions of Congress and the federal officials. And the locally-determined programs of state government will be replaced or controlled by distant federal overseers.

You are painfully aware, I know, of federal action and attempted action just this year. The General Services Administration published a list of 17 safety features that must be included on all 1967 model cars it purchases. The auto manufacturers took a beating in hearings on the Ribicoff Bill to set up a National Highway Traffic Safety Center for research and grants to states. Bobby Kennedy said he was "shocked" at what he insisted was the industry's negligence in traffic safety. An amendment to retain a four percent excise tax on automobiles until the industry adopted GSA safety specifications passed the Senate but was eliminated in conference committee. And other bills are very much alive: to apply the GSA standards to all cars sold in interstate commerce—to set minimum tire safety standards—and even to authorize the GSA to design, build, and test a model safety car. And a proposal to deny federal highway construction funds to any state whose traffic safety program didn't satisfy the Secretary of Commerce was replaced by a resolution empowering the Secretary to set up advisory standards which states "should" follow in their traffic safety programs.

That isn't all. The President has promised to send Congress a program for highway safety in January—and you know as well as I do what that can mean: federal regulation, federal money, federal control.

We may laugh about the possibility of new government-designed cars rolling off the assembly lines, with exotic new model names to catch the customer's fancy. The Rambler could be re-christened the "Ribicoff". The GTO could become the "GSA", the DPL could be the "RFK", and we could call the XL-500 the "LBJ Five Billion."

But the threat is real. Either we do the job ourselves, or we will have somebody else's program jammed down our throats. It's as simple as that.

I know that the automotive industry is far more concerned with highway safety than is generally known. I know that individual companies conduct and support extensive research. I know that vital competitive factors like reliability and durability have much to do with safety. I know that customer acceptance cannot be ignored. I know that the industry works hard on driver education and related programs.

I know that most accidents are caused by driver failure, not vehicle failure. I know you're stepping up the program to reduce the danger of the "second accident" that occurs inside the car after impact, when passengers carom off knobs and windshields and dashboards, and drivers are impaled on steering columns. And I know that, under the threat of federal intervention, the industry is moving toward joint action, through the Automobile Manufacturers' Association, "to expand the industry's efforts in the field of automotive safety."

But is this really enough? Has the industry done everything it could, cooperatively as well as competitively? Has it not sometimes neglected safety for style? Has it not overemphasized speed and power, and predisposed the driver to imagine he is at Daytona instead of on the John C. Lodge, to drive as if the tiger isn't in the tank or under the hood, but crouched behind the wheel?

Before it is too late, I urge each one of you, and every industry leader, to examine your separate and joint programs to determine if there is not a need for further voluntary action.

Voluntary action works wonders. Not until the automotive industry joined with hundreds of other national, state, and local groups in the Automotive Safety Foundation did we begin to make a dent in the traffic safety problem.

In 1937, the year before the automotive safety program was launched, traffic deaths nationally averaged 14.7 per 100 million miles of motor vehicle travel. Last year, in spite of dramatically increased highway travel—and largely as a result of this consistent, concerted effort for better education, enforcement, and engineering—there were 5.7 deaths per 100 million miles of driving. If we had killed people at the 1937 rate last year, instead of 48,000 traffic deaths—tragic as that total is—the 1964 toll would have been over 120,000.

And look at Detroit's record, through the voluntary education effort of the Traffic Safety Association, combined with the enforcement action of the Detroit Police Department and the engineering programs of the Traffic Engineering Bureau. From the 1930's to the 1960's, traffic deaths dropped 39 per cent, while the number of vehicles went up 123 per cent. In the 1930's, before the Association was formed, deaths averaged over 300 every year, with only 500,000 vehicles. But in the 1940's, with 100,000 more vehicles, the average yearly death toll dropped by a third, to 206—and the death rate since that time was declined further, although the number of vehicles has almost doubled.

At least ten times in the last 25 years, Detroit has had a better traffic fatality record than any of the five largest cities in the nation. Detroit is the only city in the country to win three Awards of Honor from the National Safety Council. And Detroit has won the American Automobile Association's Grand Award for Pedestrian Protection seven years in a row. That's what an effective program of education, engineering, and enforcement—with a voluntary spearhead—can accomplish.

But contrast Detroit's record with Michigan as a whole. We rank twentieth among the states in traffic deaths per 100,000 population—and it's largely because we've never had a massive, all-out, voluntary and governmental, statewide action program to put Michigan on top in traffic safety. No state has within its borders more resources, more skills, more dedication, capable of finding new and better methods of education, enforcement, and engineering, and breaking new paths in traffic safety. We can not only *lead* the nation—we can *help* the nation, by showing the way to other states, and sharing our skills and innovations with them.

If we are to succeed, each one of us must get involved. That means you and that means me. Government must act, as well—but government won't act unless you make it act.

I urge you to push and pull and prod state governments into enacting adequate traffic safety programs—and that means putting the heat on Lansing. This is in the public interest, because it would save lives, and it would help maintain the vitality and greater progress possible through responsible state governments. And it would also be in your own industry's interest—because, as long as the traffic toll goes up, the automotive industry will go on being the scapegoat—unfairly—for *all* the traffic accidents and injuries and deaths. And there will be plenty of demagogues around to exploit growing public indignation and direct it at the industry.

So let me appeal to the Detroit Auto Dealers, your associates in industry, the UAW, and others here in Michigan, to join in an urgent, massive effort to enact a meaningful traffic safety program for Michigan in the next session of the Legislature.

Let me tell you—briefly—the major programs we need but have not yet been able to secure.

First, we must strengthen driver education.—We should increase state payments to high schools for driver education courses. We should have effective state supervision of driver education programs. We should require all beginning drivers, regardless of age, to complete a driver education course before they get their licenses. And driver education courses for youngsters under 18 should be provided only by schools which offer a high school diploma and conduct a state-approved driver training course.

Second, we must strengthen driver licensing.—We should provide more discretionary authority for driver improvement action, such as re-examination when there is a flagrant violation. We should require a periodic renewal examination for drivers. Licenses for new drivers should be on a probationary basis for the first year. And we should consider a centralized driver licensing and control program conducted by a single agency.

Third, we need a sound program of mandatory periodic motor vehicle inspection.—Voluntary safety checks have shown that at least 20% of the cars in average traffic have some operational defect.

And Fourth, we need better enforcement.—We should have an "implied consent" law to permit chemical tests for intoxication. We should require uniform traffic and complaint forms. And we should require immediate reporting of all accidents involving death, injury, or property damage over \$100.

This is part of the program which I shall submit to the Legislature when it meets in January—and this is the program which I ask you to support.

Mr. MACKAY. I applaud you for this, Governor, and I hope you will keep saying that loud and clear. But I still think of is a fair question for a Member of Congress to ask the Governor of a State to get down to specifics on the mechanics of meaningful participation, whether the Interstate Compact Route is the route or whether some other mechanic should be the route.

You have talked about federalism and the President has, about creative federalism.

Governor ROMNEY. I put quotation marks around it. I said "genuine federalism."

Mr. MACKAY. But nobody has come in with specifics. That is what I am pleading for you to suggest to us, to spell out what you mean by meaningful consultation and participation.

Governor ROMNEY. If we don't establish a procedure by which the Governors are going to develop specifics and recommend them as a group, I will do it individually.

Mr. MACKAY. Governor, I am for it. I want your help.

Governor ROMNEY. I say if we can do it as a group, I would rather be a part of the group submitting the recommendations and if we don't, I will submit them individually.

Mr. MACKAY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Farnsley?

Mr. FARNSLEY. Governor, we are happy to have a witness who knows this thing from both the governmental position and the manufacturers. I agree with you that the airplane kind of bodies are safer, where the frame is all around the passenger, the airplane-type body.

Governor ROMNEY. That is right, and a cellular type of frame that absorbs force on impact.

Mr. FARNSLEY. If a hypothetical driver rides in a four-door sedan of that kind, with a good shoulder harness and seat belt fastened, with a seat that did not come forward, and only rode on streets and highways lighted according to the standards of the Society of Electrical Engineers when he drives at night, and with disk brakes on the front wheels, with a gizmo so the back wheels would not lock, what would be his chances of survival?

Governor ROMNEY. It would depend on the nature of the accident.

Mr. FARNSLEY. I am talking about over the years.

Governor ROMNEY. Overall, he would be safer than he would be in vehicles not similarly engineered.

Mr. FARNSLEY. What about the conditions of the highway?

Governor ROMNEY. The highway is a big and important part of it. But let me say this, that the smallest part of the highway structure is the interstate-Federal structure. The bulk of our streets and roads that are being used are the primary, secondary, and rural roads that are built by State and local governments primarily, and what is happening is we are getting better traffic safety records on our freeways but people get driving at high speeds on them and go off to these other roads.

They don't realize they are still driving at higher speeds than they should be and our accidents are picking up on the other roads. This is a complex problem. Just building freeways for the Interstate Highway System does not necessarily give us the full answer.

Mr. FARNSLEY. I agree with you. But I was talking about one-way highways, one-way streets, and well illuminated highways and streets.

Governor ROMNEY. That all helps; yes, sir.

Mr. FARNSLEY. Thank you.

The CHAIRMAN. Mr. Adams?

Mr. ADAMS. Thank you, Governor Romney, for your assistance.

You indicated in response to a prior question that you would not object to the States creating more stringent standards than a Federal standard.

This would produce differing standards throughout the United States in terms of stringency on automobile manufacturers.

In your opinion, can the industry, through its present distribution system, successfully distribute with differing automobile standards in the separate States?

Governor ROMNEY. No, sir; not in all instances. It depends, again, on what you are talking about. It has been possible to equip cars going into certain States with certain equipment not going into other States. But if you are talking about basic engineering you couldn't do it. But my position on this point is just this, that I don't think the States should be denied the right to come up with requirements that might contribute to progress in the standards field.

Mr. ADAMS. I understand that, Governor. I am following through Mr. Mackay's question and an earlier one, to get to the details of what we do.

I believe your answer is that on basic engineering safety design problems, the industry would find great difficulty in coping with 50 different State standards, but in supplemental areas they might, through their distribution system, do this.

Is that your position?

Governor ROMNEY. Yes. But my basic reason for it is that the States frequently come up with leadership.

Let me add one other comment that I think is important: The automobile is the end product of probably more technological development and advance than almost any other product on the market on a broad, general basis for general use. Airplanes and missiles and things like that, certainly, are the end products of such technology.

But among those things in common use by the people generally, the automobile reflects advances in technology about as much as anything. I just want to say to you that any time you stabilize on anything, you may stabilize on the wrong thing.

You have to be very careful that in establishing these standards you permit advance in the art.

In the early part of this century, if one company hadn't kept the steam engine exclusively for itself so that all of the technology went into development of the internal combustion engine, steam engines might well have become the predominant motive power in automobiles. It had many advantages. But because one company insisted on holding it to itself, the technology progressed.

When you begin to move in these areas and begin to set up standards, you can freeze development as well as promote it.

Mr. ADAMS. Do you think we should have a basic Federal standard in any engineering area of automobile manufacturing?

Governor ROMNEY. Yes. You have to have some. But I think this has to be approached with great care. As I say, on the basis of the art of automobile engineering in recent years, I happen to think that the integral body frame construction is safer than the frame and separate body. I think it is. But if you compel everybody to go one way, you may very well retard development that would make the other way safer than the way you are going.

A competitive, cooperative, free economy is capable of greater progress than a shackled, governmentally directed economy. This legislation would be used to establish the latter with respect to the automotive industry.

Mr. ADAMS. Then it is your opinion we should allow 50 separate developments? I don't think it is.

Governor ROMNEY. I wasn't discussing that. I have indicated that there is a need for Federal standards. I have indicated I don't want to shut off the States from pioneering and bringing adoption on a national basis of something that some States may think is better than what the Nation has done.

But at the same time, I am simply pointing out that this is not a simple situation, and that it has to be dealt with with the greatest of wisdom if we are going to avert setting safety back and also setting the economy back.

Mr. ADAMS. I would appreciate your assistance in offering specific suggestions.

Thank you, Mr. Chairman.

Mr. DINGELL (presiding). Thank you, Mr. Adams.

The committee will have to sit this afternoon. The Chair notes that there has been a quorum call on the floor of the House of Representatives.

Governor, can you be back here at 1:30?

Governor ROMNEY. It would be exceedingly difficult for me to do so unless it is quite important.

Congressman, we have the initial activities in connection with Michigan Week starting this afternoon in Michigan, and I am scheduled to be at meetings starting at 4 o'clock and I can't get back for that purpose if I am here at 1:30 this afternoon.

Mr. ROGERS of Florida. I was anxious to ask a few more questions.

Governor ROMNEY. I can stay here now.

Mr. ROGERS of Florida. But we have had our second call.

Mr. DINGELL. The Chair will recognize Mr. Rogers.

Mr. ROGERS of Florida. I want to get a little more specific as to how we will set these standards. I think I understand your position about calling the Governors and trying to work out a program on safety standards.

What I am concerned with is the actual machinery of setting these standards. I would not want to see the legislation be where the Secretary is given the sole authority to set these standards for the automobile industry without there being some advisory group that he must consult with.

If we set up an advisory group, and I think it should be important enough for the President to select and appoint, I think there should be representation on that advisory group from the automobile industry, where they can say that it would take so long to do this, or here are some new ideas that ought to be presented.

I think the Governors should be represented on it, the States represented on it. But I think there should be in the law some advisory group set up that the Secretary must consult with before he establishes the standards.

Governor ROMNEY. I wouldn't question the desirability of such an advisory group, providing they were given a meaningful basis of

advising, but I don't think that is a substitution for the Governors' participation in the establishment of the standards. I am referring to the State governments.

Mr. ROGERS of Florida. I do not see how it could be too helpful in setting the actual safety standards to call all of the Governors in to advise the Secretary. This is what I was referring to.

Governor ROMNEY. I don't visualize the Governors themselves coming in each time. All I have said is that I think the Governors, representing the States, should be given an opportunity to recommend what sort of structure should be set up, and then designate men from their States to serve on whatever structure is going to be created.

If you want to have additional advisory committees composed of private groups, voluntary groups, well and good. I would be for that.

Mr. ROGERS of Florida. Here is what I was thinking, if you put the Governors on that, you would give them a voice in the Commission.

Governor ROMNEY. But I don't think that is a substitute of what I am thinking about.

Mr. ROGERS of Florida. You are thinking about other programs. I am thinking about the specifics of setting the safety standards and design.

Governor ROMNEY. I am thinking of both. I think what you are suggesting is a desirable thing, too. But I don't think it takes the place of a State-Federal partnership here in dealing with this situation.

Mr. ROGERS of Florida. I think this is inherent in the whole setup, to have a State-Federal relationship.

Governor ROMNEY. And I don't think that State-Federal partnership should be part of a structure that is going to bring in private industry, consumers, and the whole private sector.

Mr. ROGERS of Florida. I will disagree with you there.

Thank you, Governor.

The CHAIRMAN. Thank you, Governor.

I understand you have to go back to Michigan. We appreciate your coming to give us the benefit of your views. It will be helpful to this committee, and I am certain each member who heard you and who will read the testimony, will know it is helpful.

On April 11, the chairman wrote to the Secretary of Commerce and asked him to contact every State in this Nation about the overall field of safety. I said:

I believe it will be a contribution to the record of this hearing if you would furnish the committee with details of actions and practices of the individual States insofar as they bear on the overall subject now pending before this committee.

His reply reads:

In reply to your recent letter, I am enclosing a brief survey of the actions and practices of the States in regard to traffic safety.

Pursuant to your request, I have asked the States to send to me their views on the traffic safety legislation now before you. I will send you their comments as soon as they are received.

So we have asked every State to submit that. We have given every person with public responsibility an opportunity to appear here. We are building a great record.

(The material referred to follows:)

THE DEPARTMENT OF COMMERCE,
Washington, D.C., May 26, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with your request, I contacted the Governors of the several States regarding their views on H.R. 13228, the proposed Traffic Safety Act of 1966. Enclosed is a copy of my telegram and follow-up letter to the Governors of the States.

To date, I have received replies from thirty States and these are enclosed, along with a summary statement of each of the replies.

We will forward additional replies from the remaining States as soon as they are received.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce.

Enclosures.

THE DEPARTMENT OF COMMERCE,
Washington, D.C., April 26, 1966.

HON. GEORGE C. WALLACE,
Governor of Alabama, Montgomery, Ala.

DEAR GOVERNOR WALLACE: In my telegram of April 26 to you, I requested the views of your State on the President's proposed Traffic Safety Act of 1966. As you are aware, the Congress is currently considering a number of bills related to traffic, vehicle, and tire safety. Among these is the Administration's Traffic Safety Act of 1966. It has been introduced as H.R. 13228 in the House of Representatives and hearings on this and other traffic safety measures are now in progress before the House Interstate and Foreign Commerce Committee. Companion hearings have been held in the Senate.

Chairman Staggers has requested me to obtain for him the views of the pertinent State agencies on the proposed legislation.

I am enclosing a copy of H.R. 13228. I shall appreciate receiving the views of your State at the earliest possible time, by May 3 if that will be convenient. I shall be happy, of course, to receive your views also on the problem generally.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce.

Enclosure.

(Identical letter to the Governor of each State.)

[Telegram]

APRIL 26, 1966.

HON. GEORGE C. WALLACE,
Governor of Alabama, Montgomery, Ala.:

I have been requested by Chairman Staggers of the House Interstate and Foreign Commerce Committee to collect and transmit to him the views of the several States on the President's proposed Traffic Safety Act of 1966, introduced as House bill No. 13228. Your cooperation in this matter will be greatly appreciated. A copy of the proposed legislation is being mailed to you today.

JOHN T. CONNOR,
Secretary of Commerce.

Identical telegram sent to the Governor of each State, as per list attached.

Hon. William A. Egan, Governor of Alaska, Juneau, Alaska
Hon. Sam Goddard, Governor of Arizona, Phoenix, Arizona
Hon. Orval Faubus, Governor of Arkansas, Little Rock, Arkansas
Hon. Edmund G. Brown, Governor of California, Sacramento, Calif.
Hon. John A. Love, Governor of Colorado, Denver, Colorado
Hon. John N. Dempsey, Governor of Connecticut, Hartford, Conn.
Hon. Charles L. Terry, Jr., Governor of Delaware, Dover, Delaware
Hon. Haydon Burns, Governor of Florida, Tallahassee, Florida
Hon. Carl Sanders, Governor of Georgia, Atlanta, Georgia
Hon. John A. Burns, Governor of Hawaii, Honolulu, Hawaii
Hon. Robert E. Smylie, Governor of Idaho, Boise, Idaho

Hon. Otto Kerner, Governor of Illinois, Springfield, Illinois
 Hon. Roger D. Branigin, Governor of Indiana, Indianapolis, Indiana
 Hon. Harold E. Hughes, Governor of Iowa, Des Moines, Iowa
 Hon. William H. Avery, Governor of Kansas, Topeka, Kansas
 Hon. Edward T. Breathitt, Jr., Governor of Kentucky, Frankfort, Ky.
 Hon. John J. McKeithen, Governor of Louisiana, Baton Rouge, La.
 Hon. John H. Reed, Governor of Maine, Augusta, Maine
 Hon. J. Millard Tawes, Governor of Maryland, Annapolis, Md.
 Hon. John A. Volpe, Governor of Massachusetts, Boston, Mass.
 Hon. George Romney, Governor of Michigan, Lansing, Michigan
 Hon. Karl F. Rolvaag, Governor of Minnesota, St. Paul, Minnesota
 Hon. Paul B. Johnson, Governor of Mississippi, Jackson, Mississippi
 Hon. Warren E. Hearnes, Governor of Missouri, Jefferson City, Mo.
 Hon. Tim M. Babcock, Governor of Montana, Helena, Montana
 Hon. Frank B. Morrison, Governor of Nebraska, Lincoln, Nebraska
 Hon. Grant Sawyer, Governor of Nevada, Carson City, Nevada
 Hon. John W. King, Governor of New Hampshire, Concord, N.H.
 Hon. Richard J. Hughes, Governor of New Jersey, Trenton, N.J.
 Hon. Jack M. Campbell, Governor of New Mexico, Santa Fe, New Mexico
 Hon. Nelson A. Rockefeller, Governor of New York, Albany, N.Y.
 Hon. Dan K. Moore, Governor of North Carolina, Raleigh, N.C.
 Hon. William L. Guy, Governor of North Dakota, Bismarck, N.D.
 Hon. James A. Rhodes, Governor of Ohio, Columbus, Ohio
 Hon. Henry Bellmon, Governor of Oklahoma, Oklahoma City, Oklahoma
 Hon. Mark O. Hatfield, Governor of Oregon, Salem, Oregon
 Hon. William W. Scranton, Governor of Pennsylvania, Harrisburg, Pa.
 Hon. John H. Chafee, Governor of Rhode Island, Providence, Rhode Island
 Hon. Robert E. McNair, Governor of South Carolina, Columbia, S.C.
 Hon. Nils A. Boe, Governor of South Dakota, Pierre, South Dakota
 Hon. Frank G. Clement, Governor of Tennessee, Nashville, Tennessee
 Hon. John Connally, Governor of Texas, Austin, Texas
 Hon. Calvin L. Rampton, Governor of Utah, Salt Lake City, Utah
 Hon. Philip H. Hoff, Governor of Vermont, Montpelier, Vermont
 Hon. Mills E. Godwin, Jr., Governor of Virginia, Richmond, Virginia
 Hon. Daniel J. Evans, Governor of Washington, Olympia, Washington
 Hon. Hulett Smith, Governor of West Virginia, Charleston, W. Va.
 Hon. Warren P. Knowles, Governor of Wisconsin, Madison, Wisconsin
 Hon. Cliff Hansen, Governor of Wyoming, Cheyenne, Wyoming
 Hon. Roberto Sanchez-Vilella, Governor of Puerto Rico, San Juan, Puerto Rico
 Hon. Walter N. Tobriner, Commissioner of District of Columbia, Washington, D.C.

MAY 19, 1966.

SUMMARY OF THE COMMENTS OF THE STATES ON H.R. 13228, THE TRAFFIC SAFETY ACT OF 1966

Alaska.—Wholeheartedly supports bill; feels that ample time is provided for manufacturers to establish voluntary vehicle standards and, if they do not, it is appropriate for the Federal Government to do so. (Encloses copy of March 29, 1966, letter to the President.)

Arizona.—Because of press of official business, the Governor is unable, at this time, to offer the views of the State on the legislation.

California.—Forwards copy of telegram of May 3, 1966, to the President which welcomes Federal interest (while urging that it establish a partnership with the States) and indicates that a review of safety features on vehicles will be undertaken on both those procured for the State and offered to the public.

Connecticut.—Request forwarded to State agencies for more detailed reply; refers to earlier letter to the President voicing support for "all-out Federal attack on highway accidents" with recognition of State responsibility and supports Federal research of "one-car" and "run-off-the-road" type accidents.

District of Columbia.—Enactment of H.R. 13228 is urgently needed; a Federal program rather than a State-by-State program is felt to be the most effective means of implementing automobile safety.

Florida.—Believes it would be more appropriate to limit Federal role to one of support to the States rather than pass Federal legislation; refers to 1958 "Reamer Resolution" and Vehicle Equipment Safety Commission (VESC).

Hawaii.—Forwards a copy of May 5, 1966, letter to the President which expresses strong feeling that H.R. 13228 will "weld the efforts of the individual States to this common objective" and believes same Federal-State relationship should exist for highway safety as it does for highway construction with greater emphasis on State and municipal responsibility.

Idaho.—At present feels that position taken by American Association of State Highway officials on S. 3005 represents feeling of State and will notify of any departures from that position.

Illinois.—Supports Administration proposal for Federal regulation of vehicle and tire safety standards, but suggests apportionments of State grants be charged to 75% population, 25% area basis and limitations be placed on amount of research and development money to come from highway trust fund; recommends emphasis on driver licensing and drunken driving (includes text of amendments proposed for introduction by Illinois congressional delegation.)

Iowa.—Legislation is being considered by pertinent State agencies and will advise of any recommendations.

Kansas.—Encloses a copy of March 30, 1966, letter to the President which directs special attention to the research and development provisions of Title III, particularly as they affect driver licensing.

Kentucky.—Encloses a copy of April 29, 1966, letter to the President which states that a well thought-out vehicle standards program, such as contained in Title I is very important; that Title II and III provisions are important and welcome; offers support for 25% incentive criteria for State grants; and believes determination of appropriate State safety agency should be made by the Governor.

Maine.—Comments will be forwarded at the earliest convenience.

Maryland.—Supports purpose and intent of pending traffic safety legislation and suggests consideration be given to the statements of the National Governor's Conference on H.R. 13228 and H.R. 13290.

Minnesota.—Believes that national safety standards can be established and enforced only through strong Federal and State action and endorses objectives of S. 3005 and S. 3052; recommends additional funding and strong provision for improvement of police enforcement.

Nebraska.—Expresses general accord with intent and programs of H.R. 13228; endorses uniformity of programs and requests consultation with State agencies on Title III programs; but believe section 305 should be clarified so as to preclude competition for Federal funds by various agencies within a State.

Nevada.—Governor states that he heartily believes in the Traffic Safety Act and Transportation Act of 1966; expresses the view that the States, through VESC, should be accorded a cooperative role in vehicle safety standards under Title I.

New Hampshire.—Provides a summary of the traffic safety programs and activities of the State in recent years; endorses increased Federal participation particularly for the benefits it will provide in research, reporting, accident records, public education; suggests State participation, through VESC, in developing Title I vehicle safety standards.

New York.—Assumes that uniform standards under Title II will take experience and advice of the States into consideration; encloses proposed guidelines for use in development of standards under present Baldwin Amendment; reiterates request for support of State safety car program; suggests VESC can cooperate with Federal Government on Title I; suggests extensive use of Title III research grants in State programs; suggests study of results of driver register service before its scope is broadened by legislation.

Ohio.—Encloses a copy of a report on the State highway safety program as a guide to the kind of matters receiving attention in Ohio.

Oklahoma.—Encloses a copy of letter of April 26, 1966, to the President which recommends that the Federal Government make use of VESC in implementing provisions of Title I; that criminal penalties (in addition to civil penalties) be provided for violation of Title I; full use should be made existing facilities in connection with Title II; and that standards under proposed section 402, Title 23, should follow uniform vehicle code and the action program of the President's Committee.

Oregon.—Secretary should be required to consult with State, Federal and industry representatives in establishing vehicle and highway safety program standards; urges expenditure of Title II funds and establishment of research facilities in Western United States.

Pennsylvania.—Endorses establishment of research facility; a Federal-State partnership, using VESC, should be created; a more complete report will be submitted at a later date.

South Carolina.—Officials of State highway department and highway patrol agree that the objectives of H.R. 13228 are proper and desirable.

Texas.—Urges, by telegram, that VESC be given a role in vehicle safety standards, and refers to testimony given on May 3 and 5, respectively, to the House Public Works and Commerce Committees.

Vermont.—Request received during the Governor's absence; he will reply when he has had a chance to review the request.

Virginia.—State began approving motor vehicle equipment in 1932, joined VESC in 1964 and will continue its policy of favoring legislation which will improve traffic safety.

West Virginia.—The Governor will forward his views as soon as possible.

Wisconsin.—States' responsibilities in law enforcement, licensing, driver education, etc., must be recognized; VESC should be given a role in vehicle safety standards; maximum effort should be made to use existing research facilities; States should have a role in developing Title III standards; apportionment formula should be changed to 75% population, 25% area basis; a single State agency should coordinate; and additional revenues should be sought for the highway trust fund to cover safety programs.

Wyoming.—Views of the Governor are the same as those given on behalf of National Governors' Council before House Public Works Committee on May 3 and Commerce Committee on May 4.

STATE OF ALASKA, OFFICE OF THE GOVERNOR,
Juneau, April 30, 1966.

Hon. JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your telegram and letter of April 26 in which you asked our views on the President's proposed Traffic Safety Act of 1966. We have reviewed the bill and believe that it will accomplish its stated purpose: "to reduce traffic accidents and the deaths, injuries, and property damage resulting from traffic accidents." The alarming increase in the rate of traffic accidents throughout the United States certainly justifies the kind of regulation provided by the bill. And certainly the states are not in a position to provide effective regulation of automobile manufacturers.

The bill appears to provide ample time for the automobile manufacturers to provide their own safety standards so that the purposes of the bill can be accomplished by the manufacturers themselves without interference from the Federal Government. If the manufacturers are not able to design and build safe automobiles, then it seems highly appropriate that the Federal Government step in and establish minimum safety standards and require the manufacturers to comply with them.

I would wholeheartedly support the bill. Please refer to the enclosed copy of my letter of March 29, 1966, to President Johnson, for further expressions of my feelings on this matter. Thank you for giving me his opportunity to express our opinion on this badly needed humanitarian legislation.

Sincerely,

WILLIAM A. EGAN, Governor.

Enclosure.

MARCH 29, 1966.

The Honorable LYNDON B. JOHNSON,
President, United States of America,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your letter of March 24, 1966, concerning traffic safety is certainly timely. We in Alaska are also experiencing the vicious spiral you refer to concerning increasing accidents and highway fatalities.

I heartily welcome the Traffic Safety Act of 1966. As you point out, it does energize our Federal-State partnership.

As per your request, I do have several suggestions which may strengthen the Act, and may help us cut down on the highway carnage. First, any program of

traffic safety must take into account the two basic factors: the man and the machine.

In Alaska we see the man and the machine as part of one over-all problem. I strongly urge an integrated approach to our traffic safety problems. This would include programs of: driver training, public education; a meaningful driver's licensing program; adequate traffic patrolling; well trained and conducted traffic courts; a long-range traffic safety legislative program, which the Traffic Safety Act of 1966 goes far to realize.

In addition to the "human" and educational factors above, it is imperative that we recognize that the human factor will always come into play and that there will always come tragically, the accidents. Thus, it is imperative that an integrated traffic safety program include: adequate highway engineering and traffic control efforts; periodic vehicle safety inspections; adequate traffic patrols; adequate accident investigation; design of the automobile to protect its occupants.

Let me particularly emphasize my concern with the safety of automobiles themselves. If we have a fallible human being driving the car, then we must make every effort to make the car as infallible as possible so as to protect him from himself. A serious effort at designing cars for occupant safety would necessarily have to come from the Federal level. I recognize the difficulties of such a program, and the costs of it. But the time is growing short, as you have so eloquently indicated. We need all aspects of a traffic safety program.

In your splendid endeavor you have my full support and cooperation.

Sincerely,

WILLIAM A. EGAN, *Governor.*

THE GOVERNOR OF ARIZONA,
Phoenix, May 11, 1966.

Hon. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D. C.

DEAR MR. SECRETARY: This is in response to your letter of April 26 relative to the President's proposed Traffic Safety Act.

Due to an extremely long session of the legislature, just ended, and the press of other state business, my office has not had an opportunity to fully study HR 13228 and consult with state agencies on this matter and therefore, I am unable at this time to offer the views of the State of Arizona on this legislation.

Sincerely,

SAMUEL P. GODDARD.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, May 3, 1966.

Hon. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D. C.

DEAR MR. CONNOR: In response to your letter of April 26, 1966 to Governor Brown, I am forwarding a copy of his reply to President Johnson concerning the proposed Traffic Safety Act of 1966.

Sincerely,

RONALD A. CLARK,
Assistant Cabinet Secretary.

Enclosure.

GOVERNOR'S OFFICE, *May 3, 1966.*

The Honorable LYNDON B. JOHNSON,
President of the United States,
White House, Washington, D.C.

I share your thoughts on the tragic losses due to needless highway accidents. As indicated in the comments I forwarded to be read as testimony on HR 13290, and related bills. We welcome and support the interest of the Federal Government in getting into the field of highway safety—a field which has preoccupied the States for many years. I do think it is important that the Federal Government not preempt the field, but establish a partnership in traffic safety programs which would continue State activity in an important role.

My people have been working closely with the representatives of the National Safety Council and have been following the work of the President's Commission for Highway Safety. I recently appointed a Governor's Advisory Committee on Traffic Safety, which set up action panels to assist in promoting needed State and Federal legislation. I have also activated a traffic safety coordinating committee within State government, chaired by Robert Bradford, administrator of the transportation agency.

I have also advised my highway patrol commission, Mr. Bradford Crittenden, to review those safety features which are required in cars used by the California Highway Patrol and to recommend those features which might logically be provided in passenger vehicles in California.

Through these approaches we hope to improve our safety programs within the State and be in a position to provide strong support to you in carrying out national objectives in the safety field.

I have instructed Mr. Bradford to report further progress and keep in touch with Mr. William Randolph Hurst, Jr., Chairman of your Committee on Highway Safety.

EDMUND G. BROWN, *Governor.*

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, May 9, 1966.

HON. JOHN T. CONNOR,
The Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge your recent letter concerning the views of appropriate State agencies on the President's proposed Traffic Safety Act of 1966.

Since this is a rather substantial piece of legislation, I know you will understand my desire to have it given thorough study by the appropriate State agencies in compiling their evaluations.

Earlier this month, I replied directly to President Johnson to voice my support for the proposed all-out Federal attack on highway accidents, so long as it does not remove from the states any of their authority in this field or encourage states to abandon their own responsibilities.

I also at that time suggested that perhaps the proposed program might include a Federal research program into the causes of one-car, run-off-the-road type of accidents, which have occurred with disturbing frequency in recent months in Connecticut.

I am forwarding a copy of your letter and the proposed legislation to appropriate Connecticut agencies with the request that they compile their evaluations and views so that they can be sent to you as soon as possible.

Sincerely,

JOHN DEMPSEY, *Governor.*

MAY 3, 1966.

HON. JOHN T. CONNOR,
The Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY CONNOR: Reference is made to your telegram and letter, both dated April 26, 1966, requesting the views of the Commissioners of the District of Columbia on the President's proposed Traffic Safety Act of 1966, introduced in the U.S. House of Representatives as H.R. 13228, 89th Congress.

The Commissioners of the District of Columbia are of the view that such legislation is urgently needed and that a Federal program of automobile and highway safety, rather than a State-by-State program, constitutes the most effective means of implementing the desired goal of automobile safety. The Commissioners therefore strongly recommend enactment of the bill.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER N. TOBRINER,
President, Board of Commissioners,
District of Columbia.

TALLAHASSEE, FLA., May 3, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.

In reply to your telegram and letter of April 26, 1966, relative to the proposed Traffic Safety Act of 1966—H.R. 13228, it is my feeling that it would be more appropriate to limit the Federal role to one of support to the States rather than pass Federal legislation. I refer you to the 1958 legislation adopted by Congress identified as the "Beamer resolution" authorizing the States to enter into compacts for uniformity of safety regulations. Compacts have been adopted, have been successful and have been endorsed by 44 States. It is my understanding that the Vehicle Equipment Safety Commission will issue regulations in October that will further guarantee and insure additional safety factors to our citizens.

HAYDON BURNS, *Governor of Florida.*

EXECUTIVE CHAMBERS, Honolulu, May 5, 1966.

HON. JOHN H. CONNOR,
Secretary of Commerce, U.S. Department of Commerce, Washington, D.C.

DEAR SECRETARY CONNOR: In response to your letter of April 26, 1966, and wire received April 28, I am sending you a copy of the letter I have addressed to The President regarding his proposed Traffic Safety Act of 1966 (H.R. 13228).

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

Enclosure.

EXECUTIVE CHAMBERS, Honolulu, May 5, 1966.

THE HONORABLE LYNDON B. JOHNSON,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Your letter of March 24, 1966, concerning the staggering loss to our Nation in human and national resources as a result of traffic accidents vividly underscores the need for a concerted national attack at this source of needless and tragic waste of our national assets.

The State of Hawaii is in the midst of an unprecedented period of highway construction; yet with these improvements in physical facilities we are also in the midst of an ever increasing record in traffic accidents. This toll, I believe, is an unnecessary and tragic loss to the productivity of this State and the Nation. I have instructed my Administration to increase its efforts toward reducing this toll.

Hawaii has had for many years a program of continuing improvements to its highway facilities. This program has, until recently, been wholly State-financed. Our Highway Division is now cooperating with the Bureau of Public Roads to utilize Federal aid highway funds to pursue this program of improvements wherever possible while continuing wholly State-financed projects in those areas which may not qualify for Federal aid.

This is but one facet of a total highway safety program which should be and must be pursued on a national level if we are to see a decrease in our highway accident losses. While I feel very strongly that the proposed Traffic Safety Act will weld the efforts of the individual States to this common objective, it is my belief that certain portions of the Act will dilute the efforts of the various State highway departments and other local governmental agencies in the pursuit of effective and continuing programs concerning the various aspects of highway safety.

I am convinced that the present joint State-Bureau of Public Roads cooperative efforts, in cooperation with the various established administrative and policy making organizations of responsible State officials, should be continued and strengthened so that we may better utilize the recognized talents of professional personnel who are experienced in the administration of the highway programs. These cooperative efforts have been most productive and have resulted in a highway system second to no other nation in the world.

Federal aid will undoubtedly reinforce the State's efforts toward an all-encompassing highway safety program. The proposed method of apportionment of the funds for this program, particularly that portion which would be distributed at the discretion of the Secretary, should be reviewed to reflect a

more rational method of apportionment. I also feel that these funds should be administered by the Bureau of Public Roads with the State highway departments being designated the responsibility of coordinating the safety program.

I believe that greater emphasis should be given to State and municipal responsibilities in carrying out the objectives of the Act and that greater recognition be given to the role of local government in accomplishing these aims. A joint effort of the various governmental agencies concerned, including the respective Federal agencies, could perform many of the functions proposed in the Act. Such an effort would create a better sense of accomplishment and achievement in an area which vitally concerns all levels of government.

I wish to assure you that all resources of this State will be utilized to pursue the objectives of the Traffic Safety Act and I pledge the support of this State toward the pursuit of a proper program which will contribute to the alleviation of this national tragedy.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

BOISE, IDAHO, April 29, 1966.

Hon. JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.

Reurtel April 26 Have discussed HR 13228 S 3005 HR 13290 and S 3052 with Idaho Safety Commission and noted similarity of same. At present feel that position taken by AASHO on S 3005 appears to represent our thinking. Will review all of above and notify of any changes.

Warm personal regard.

ROBERT E. SMYLLIE,
Governor of Idaho.

OFFICE OF THE GOVERNOR,
Springfield, May 2, 1966.

The Honorable JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.

DEAR SECRETARY CONNOR: Thank you for your letter of April 26 regarding the views of the State of Illinois on the President's proposed Traffic Safety Act of 1966.

In response to a letter from The President, I assured him of our support of the legislation in its present form and that we would welcome amendments to the Act that would provide the following:

1. Revise Paragraph "b" of Section 402 to provide for 75% of the funds to be apportioned on the basis of population and 25% on the basis of area.
2. Revise Section 203 to place a limit on the amount of funds to be appropriated out of the highway trust fund for the construction of research, development, and testing facilities.
3. Add sections placing more emphasis on the need for tighter controls on driver licensing and more stringent penalties for driving while intoxicated.

Last week I wrote to our Congressional delegation (copies enclosed) specifying suggested amendments.

I hope this will inform you of our desire to be helpful in this very important legislation. Further, I regret that the telegram to which you referred was not received in this office.

Sincerely,

OTTO KERNER, *Governor.*

Enclosures.

APRIL 27, 1966.

Hon. PAUL H. DOUGLAS,
U.S. Senator from Illinois, Senate Office Building, Washington, D.C.

DEAR SENATOR DOUGLAS: Our Official Traffic Safety Coordinating Committee unanimously believes that there should be Federal regulations and minimal safety requirements for equipment and tires. We also strongly believe that the power to set minimal standards of a higher grade than that set by the Federal government should be retained by the states. The United States Supreme Court has repeatedly held that, in areas where the Federal government has entered fields of control formerly solely governed by the states, the states have lost control and jurisdiction over these areas.

For these reasons, we suggest to you the adoption of the amendments attached to S 2669, S 3005, and HR 13228. These amendments allow the states to participate and cooperate with the Federal government in establishing uniform standards for highway safety programs. The suggested change in the effective time of the order of the Secretary (of Commerce or Transportation) would give the respective states an opportunity to enact legislation necessary to set minimal standards and to provide for the enforcement thereof.

I urge you to help develop and work for the passage of traffic safety legislation which will be compatible with the comments expressed above for minimal Federal requirements with the right reserved to the states to adopt and enforce higher standards if they so desire.

Your efforts in this direction will be appreciated.

Sincerely,

_____, Governor.

[S. 2669, 89th Cong., 2d sess.]

IN THE HOUSE OF REPRESENTATIVES

AMENDMENT

Intended to be proposed by Mr. _____ to S. 2669, a bill to establish safety standards for motor vehicle tires sold or shipped in interstate commerce, and for other purposes, viz:

In Sec. 6, strike out the second sentence in said section, and insert in lieu thereof: "Amendments shall become effective on the date specified therefor by the Secretary in said order which shall be no sooner than one year nor later than two years from the date on which the amendment is issued."

In Sec. 7, in the first sentence in said section, strike out "differ from" and insert in lieu thereof "standards are lower than the".

In Sec. 7, in the first sentence in said section, strike out "different" and insert in lieu thereof "lower".

[S. 3005, 89th Cong., 2d sess.]

IN THE SENATE OF THE UNITED STATES

AMENDMENTS

Intended to be proposed by Mr. _____ to S. 3005, a bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents, viz:

On page 4, line 22, strike out "one hundred and eighty days" and insert in lieu thereof "one year".

On pages 4 and 5, strike out all that part of paragraph (b) following the period in line 23 of page 4.

On page 5, strike out lines 18 through 22 and insert in lieu thereof "that order, which shall be no sooner than one year from the date on which the amendment or withdrawal is issued."

On page 22, lines 15 and 16, strike "approved by the Secretary" and insert in lieu thereof "developed by the Secretary in cooperation with the States".

[H.R. 13228, 89th Cong., 2d sess.]

IN THE HOUSE OF REPRESENTATIVES

AMENDMENTS

Intended to be proposed by Mr. _____ to H.R. 13228, a bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents

and the deaths, injuries, and property damage which occur in such accidents, viz:

On page 4, line 19, strike out "one hundred and eighty days" and insert in lieu thereof "one year".

On pages 4 and 5, strike out all that part of paragraph (b) following the period in line 20 of page 4.

On page 5, strike out lines 15 through 19 and insert in lieu thereof "order, which shall be no sooner than one year from the date on which the amendment or withdrawal is issued."

On page 22, lines 14 and 15, strike "approved by the Secretary" and insert in lieu thereof "developed by the Secretary in cooperation with the States".

DES MOINES, IOWA, May 4, 1966.

JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.:

This is to acknowledge your letter with regard to H.R. 13228. Proposed legislation being considered by pertinent State agencies as it pertains to Iowa. Will advise your office of any recommendations.

HAROLD E. HUGHES.

THE STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, Kans., May 5, 1966.

HON. JOHN T. CONNOR,
*Secretary of Commerce,
Department of Commerce,
Washington, D.C.*

DEAR MR. SECRETARY: This is to acknowledge your recent letter, requesting that the views of the State of Kansas on H.R. 13228 be submitted.

A similar request was received from the President in regard to the proposed Traffic Safety Act of 1966. A copy of my reply of March 30 is enclosed. This letter sets out my basic views on the proposed legislation.

Yours very truly,

WM. H. AVERY, *Governor.*

MARCH 30, 1966.

THE PRESIDENT,
*The White House,
Washington, D.C.*

DEAR MR. PRESIDENT: I appreciate your letter of March 24 and the attached copy of S. 3005, a bill to provide for a coordinated national safety program and to establish safety standards for motor vehicles. I further note that you invite any comment that I might have to submit relative to this proposal or other matters that could be adopted to reduce the high accident and fatality rate on our nation's highways.

I would particularly like to urge that special attention be given to Sub-Section 403 of Section 301 of Title III of the bill. This deals with highway safety research and development. It has become increasingly evident to me that we need to establish more constructive guidelines for revocation of licenses of senior citizens, other than a simple age limitation. It is my understanding that some states do have tests that are applied, but in most instances the driver once licensed continues to be eligible for a license unless it is revoked for some violation or other stipulated cause.

Age itself is not a reliable criteria for eligibility to drive. Physical deficiencies do not follow any inflexible pattern. It seems there has been reluctance on the part of regulatory agencies to develop criteria for drivers' tests for senior citizens. This I hope could be further explored under the section of the bill that is mentioned above.

I would need additional information on the bill before I could subscribe my full support to all titles contained therein.

Yours very truly,

WM. H. AVERY, *Governor.*

OFFICE OF THE GOVERNOR,
Frankfort, Ky., April 29, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.

DEAR MR. SECRETARY: In response to your April 26 letter, I am enclosing copy of my letter to the President expressing my views on his proposed Traffic Safety Act of 1966.

Sincerely,

EDWARD T. BREATHITT.

OFFICE OF THE GOVERNOR,
Frankfort, Ky., April 29, 1966.

THE PRESIDENT,
The White House, Washington, D.C.

MY DEAR MR. PRESIDENT: Your letter of March 24, 1966, has received my most earnest concern. Deaths and injuries caused by traffic accidents are one of the most important problems facing not only this state but the entire country. We in Kentucky have inaugurated a full scale attack on the problem.

Our program has been directed to all facets of traffic accident prevention. For your information I am enclosing summaries of the various programs we have undertaken. To help us achieve our aims we have had the help of such institutions as the Insurance Institute of Highway Safety, University of Kentucky and the Traffic Institute of Northwestern University.

You are aware of the financial limitations of states. Grants to states provided for in Title 3 of the proposed legislation will help us to continue and hopefully expand our traffic safety program. It will also be of immense assistance to us in augmenting and amplifying such much-needed programs as driver education in our high schools (an area of traffic safety where we are greatly in need of assistance here in Kentucky).

In my judgment there is a definite need for a program of coordinated traffic safety research such as that proposed in Title 2 of the Traffic Safety Act. We feel that a well-thought-out program for the improvement of vehicle standards such as that outlined in Title 1 of the Act is very important. May I add that we also very much favor S. 2669 relating to the development of tire standards and requesting the Secretary of Commerce to set such tire safety standards.

In further evaluating the Federal-State relationship as it will develop under the proposed legislation, we very definitely support the allocation of 25% of the funds to the states on the incentive basis.

We also commend most highly the wording relating to utilizing the appropriate "Highway Safety Agency" in dealing with the states.

It is my suggestion that the determination on designation of the appropriate Highway Safety Program should be made by the Chief Executive Officer of the individual state working closely with each state's coordinating committee. Where coordinating committees do not exist, perhaps a singular state agency or designated ad-hoc committee could be utilized.

The recent session of the Kentucky General Assembly took historic action in traffic safety by adopting 10 major laws relating to this subject, in addition to budgetary provision for 100 additional state police troopers and a 10% increase in pay for these men. Enclosed is a summary of that legislation, along with a copy of our printed Action Program (patterned after the Action Program of your Committee for Highway Safety as that program relates to Kentucky), and a copy of a summary report to the people of Kentucky on public safety, just published by the Kentucky Department of Public Safety.

We look forward to a vital and sustained program of Federal-State cooperation which will produce a substantial reduction in the highway deaths and injuries which daily plague our people.

I wish you every success in your efforts to help solve this most important problem and pledge to you my support and the coordinated support and assistance of the traffic safety resources of Kentucky State Government.

Respectfully,

EDWARD T. BREATHITT.

AUGUSTA, MAINE, April 29, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.:

I welcome the opportunity to comment on the President's proposed Traffic Safety Act of 1966. The State of Maine has been most active in traffic safety for many years. Our current standards and our constant research in this field will be taken into consideration in my reply. You may expect my comments on House bill number 13228 at the earliest convenience.

Gov. JOHN H. REED.

EXECUTIVE DEPARTMENT,
Annapolis, Md., April 27, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: I support the purpose and intent of the traffic safety legislation now being considered by the Congress.

I suggest, however, that careful consideration be given by the House Committee on Interstate and Foreign Commerce to the statement to be presented by the representative of the National Governors' Conference at the May 4th hearing on House Bill 13228.

Further, I suggest that the same careful consideration be given to the amendments to be offered to the House Subcommittee on Public Roads of the Committee on Public Works on May 3rd by the National Governors' Conference representative in respect to House Bill 13290.

With kindest regards, I am,

Sincerely yours,

J. MILLARD TAWES,
Governor.

STATE OF MINNESOTA,
EXECUTIVE OFFICE,
St. Paul, Minn., May 4, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your telegram and your letter. In response, I should like to state that it is the considered opinion of my advisers in highway and safety matters, including the Commissioner of Highways, John P. Jamieson, that favorable consideration should be given to the "Traffic Safety Act of 1966" (S. 3005). We also endorse the objectives of the "Highway Safety Act of 1966" (S. 3012) but recommend that action taken toward the improvement of highway safety be a joint effort of the various states and the office of the Bureau of Public Roads.

We further recommend in addition to the prescriptions included in this bill that additional funding be guaranteed for the safety provisions thereby enacted. It is our understanding that 1% of the excise tax on domestically manufactured automobiles will be credited to the Highway Trust Fund for the purpose of financing these safety provisions. The calculations that have been made available to us indicate that this source will not be sufficient to finance these features.

One worthy provision not included in the Highway Safety Act of 1966 is improvement of police enforcement of traffic legislation on our highways. We have evidence of the benefits which can derive from proper enforcement policies which discourage excessive speed and reckless driving thereby reducing the severity of accidents and lowering fatality rates.

Associates in the Council of State Governments have urged me to discourage federal action. I feel, rather, that national safety standards can be established and enforced only through strong federal and state action.

With kindest regards,

Yours very truly,

KARL F. ROLVAAG,
Governor.

STATE OF NEBRASKA,
DEPARTMENT OF MOTOR VEHICLES,
May 3, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR SIR: Governor Morrison has asked me to communicate our views on the President's proposed Traffic Safety Act of 1966, as requested in your letter of April 26.

I have reviewed H.R. 13228 carefully, and we are in general accord with its intent and programs. We do want to be sure that the appropriate state agencies will be consulted in determining the standards to be prescribed by the Secretary under Title III. We do feel that our state can and must make major improvements in its highway safety programs, and that uniformity of programs and policies is essential to cope with the ever-increasing mobility of the American public.

We are concerned with the definition of "state highway safety agency" in Title III. In our state, and in many others, the programs covered by Title III are now administered by more than one department. Section 305 appears broad enough in its language to cover all such departments and programs, but the possibility does seem to exist for competition between departments for federal funds. While we are confident that the Secretary would guard against this in negotiations with state agencies, we believe Section 305 could be amended to eliminate this problem, by requiring that the governor of each state determine the allocation of federal funds among the appropriate agencies.

We look forward to continued cooperation with our sister states and the federal government in developing the most effective traffic safety programs.

Sincerely,

DEPARTMENT OF MOTOR VEHICLES,
JAMES E. DUNLEVY, *Director.*

THE STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, Nev., May 11, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

MY DEAR MR. SECRETARY: I have received your wire and letter of April 26, 1966, and want you to know that I heartily believe in the Traffic Safety Act and the Transportation Act of 1966. I believe the Congress is headed in the right direction in its efforts to stop our high fatality rate on the highways of our nation, but I must bring to your attention Title I of H.R. 13228, now in the House of Representatives, which preempts the states from having any voice in determining vehicle equipment safety standards.

I feel that the federal government and state governments, through the Vehicle Equipment Safety Commission (of which the State of Nevada was one of the first to join), and with the cooperation of the automobile manufacturers, could provide an acceptable set of vehicle safety standards, and that these standards would be more easily enforced through the present state police and highway patrol enforcement agencies.

I earnestly request that you give this suggestion your serious consideration. You can be assured of the cooperation of the State of Nevada with the federal government in this respect.

Sincerely,

GRANT SAWYER, *Governor.*

STATE OF NEW HAMPSHIRE,
Concord, May 3, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY CONNOR: This is to acknowledge your recent correspondence with reference to New Hampshire's views on the proposed Traffic Safety Act of 1966.

Here in the Granite State we are convinced that the new interest in traffic safety on the part of the President and the Congress will lead to more effective programs of traffic accident prevention.

The states long have engaged in efforts to bring constant improvement to the safety picture. Personally, I feel that these efforts have met with a large measure of success, particularly during the past 25 years, as the fatality rates per 100 million miles of travel have been cut from 12 in 1941 to 5.6 last year, while the number of vehicles, drivers and miles driven has multiplied several times.

Consider, if you will, that the number of fatalities last year would have been more than 100,000 if these gains had not been made. Unfortunately, despite accomplishing these reductions, the "law of diminishing return" does exist and to make further improvement, our efforts must be doubled and redoubled.

While the states bear the primary responsibility for traffic safety promotion, it is the duty of every level of government, every public and private organization and every citizen to contribute what they can toward better solutions to this problem.

Increased federal participation in the traffic safety field is long overdue, and we firmly believe that provisions in the proposed legislation, which will increase aid to the states in order that they may do a better and more effective job in traffic safety will bear substantial returns.

The experience of our State with regard to increases in automobile fatalities and accidents in recent years has been similar to that of many others. For example, in 1961, we had 100 automobile fatalities, in 1962 it increased to 111, in 1963, 142 deaths at the rate of 4.4 persons killed for every 100 million miles traveled, and in 1964 the figure soared to 158 deaths at the rate of 4.7 persons killed per 100 million miles of motor vehicle travel. Obviously, something had to be done to arrest this upward trend of carnage on our highways. Therefore, in the summer of 1964, I appointed a Governor's Traffic Safety Committee, made up of fifteen individuals who were leaders in the field of highway safety in our State. These included representatives of the Department of Safety, heads of statewide organizations, concerned with the problem and individual citizens knowledgeable in the field.

The Committee immediately set to work analyzing the highway accident problem in New Hampshire to try to determine where the greatest weaknesses existed and what approach we should use in solving the problem. After considerable deliberation, a line of attack was developed. Since the State Legislature would be meeting in 1965, it was recommended that this be presented to the Legislature as a highway safety legislative program. I gave endorsement to the program and presented it in a special message to our Legislature, outlining the various points it contained.

We are favored with a very safety conscious Legislature in 1965 and succeeded in obtaining many measures which we felt were vital to the Motor Vehicle Law Enforcement and to Traffic Safety. This was reflected by myself, the State Senate and House of Representatives in our joint actions to bring the State of New Hampshire into closer conformity to the recommendations of the Uniform Vehicle Code and with those of the American Association of Motor Vehicle Administrators. After a review of a number of these laws, you will note that among them are some that are considered somewhat controversial and have been pigeon-holed by many states for future action. This was not the thinking in New Hampshire and for this reason several objectives were accomplished. These included:

(1) The establishment of a permanent Governor's Traffic Safety Commission with a \$25,000 a year appropriation. This made possible the employment of an executive director and the initiation of a public support program patterned after that recommended in the "President's Highway Safety Action Program".

(2) Implied Consent Law. Our analysis of the causes of automobile accidents, particularly fatalities, showed that in a majority of cases excessive use of liquor was at the root of the problem. Four previous Legislatures had considered such legislation but had not enacted it into law. However, based on the recommendations of the Traffic Safety Commission, the legislation was adopted and is now in effect.

(3) Realistic or Absolute Speed Law. It had been years since our state had attempted any modernization of its speed control laws. Observation of posted speed limits were and still are not realistic. This resulted in disrespect for the law. Based upon the recommendations of our Commission, which in turn were taken from the Uniform Vehicle Code, our Legislature enacted a new speed control law. Among other things, it provides for the establishment of realistic speed

limits following a joint survey of our highways by our State Highway Department and our Department of Safety. When this survey is completed within the next two years, necessary new speed limits will be posted and our enforcement officers will see that they are observed by motorists.

(4) Driver Education. This legislation required that no person under the age of 18 years of age may be licensed in the State of New Hampshire until such time as he has completed a course of instruction either in a High School or through a private licensed instructor. The law also requires that private schools provide classroom training and that all instruction meets the standards of the curriculum established by the Commissioner of Safety and the Commissioner of Education.

(5) Minor Possessing or Drinking Intoxicating Beverages. This Legislation allows for a ninety days suspension of license for any person under the age of 21 who is found to be in possession or drinking alcoholic beverages. Alcoholic beverages can only be transported if the parents or legal guardian are in the car with the youth. It further provides for a ninety-day period suspension where it is found the operator shows .05 percent alcohol in his blood.

The New Hampshire Department of Safety, Division of Motor Vehicles, has undergone a major 'belt-tightening' in its driver licensing program. Several new programs have been implemented during the past two years which have produced highly satisfactory results.

The main purpose of this effort was to place more emphasis on the improvement of driver attitude and general qualification for motor vehicle operation. This included special attention to the basic requirements such as applicant's knowledge of motor vehicle laws and improved procedures for road testing.

Numerous administrative changes have been put into effect which provide for greater control over license issue to assure that only those who meet the strictest requirements are issued licenses to operate in this state. Full use of the One License Concept and the interchange of information with other states has been helpful in eliminating those who attempt to obtain license by false statement. This, we consider, is a must if we are to assure ourselves that new drivers in this State do not hold previous conviction records for which they are under revocation or suspension in another State.

In addition to the programs of the Governor's Traffic Safety Commission, it was recommended to the 1965 Legislature for authorization and financial support for the increase of personnel within the uniformed branch of the Division of State Police. It was also recommended the establishment of an auxiliary state police force which could be called into action to supplement the regular state police, particularly during summer and holiday weekends when the traffic is particularly heavy. Both of these recommendations were approved by our Legislature.

Meantime, legislative authorization had been given in two previous sessions and continued in the 1965 session for a special interim committee on uniform traffic laws and ordinances. This consisted of representatives of the Senate and House and five citizens appointed by me. The committee made a comparison of our State's motor vehicle laws and comparable sections of the motor vehicle code and followed up these comparisons by recommending legislation needed to bring our State's traffic laws into substantial conformity with the Uniform Vehicle Code.

As a result, during the past four years, legislation has been enacted in our State bringing our laws into conformity with the following sections of the Code—Rules of the road and driver licensing. The latter includes the re-examination of drivers of 75 years of age or older. The committee authorized by the last Legislature is currently completing the job of comparison of our laws and the Code. It is anticipated that this committee will recommend to the next Legislature legislation pertaining to other sections of the Uniform Vehicle Code.

We have some most startling statistics over the past three years in the Granite State and that is of the single car fatal accidents. In 1963 there were 120 fatal accidents. Of these fatal accidents, 100 were single car crashes, or 82 percent. In 1964 there were 138 fatal accidents and 95 were single car accidents, or 68 percent. In 1965 there were 132 fatal accidents with 98 being single car mishaps, or 74 percent. Thus far in 1966 we have had 31 fatal accidents, 23 being single car accidents, or 74 percent.

We are all aware there is a definite reason for every highway fatality and at this time in New Hampshire a highway fatality investigation school is being

conducted for members of the Division of State Police under the direction of Dr. Alfred Mosely of the Trauma Research Corporation of Cambridge, Massachusetts.

The Department of Public Works and Highways in New Hampshire has placed particular emphasis on the improvement of our highways. The Granite State now stands fifth among the States in the percentage of completed miles of the Interstate System opened to traffic. Also, our State Highway Department has been working closely with the Department of Safety in the improvement of highway locations known to constitute traffic hazards.

Following the same approach we are giving much attention to the safety of the vehicle itself through our periodic motor vehicle inspection program. This biennial inspection program has been in effect for many years. Recently it has been updated. I would like to submit for your study a copy of our new inspection manual, issued last year, which gives specific instruction to over 1,300 privately-owned state authorized inspection stations on how to do a thorough job of inspecting the vehicle. We work very closely with the inspection stations in this activity including the conducting of training schools for inspectors and checking of the inspection establishments themselves.

I could go on telling you more about our highway safety activities in New Hampshire but time does not permit. We like to feel, however, that our activities had a part in the reduction of automobile fatalities from 158 in 1964 to 146 deaths in 1965 or a reduction in the number of persons killed per 100 million miles from 4.7 in 1964 to 4.0 in 1965. We feel that a still greater reduction could be brought about if additional funds and assistance were available. That is why we are particularly pleased to endorse increased Federal participation in the traffic field as it provides for additional research by the Federal government on the causes of automobile accidents and for the support of stepped-up highway safety programs in the states.

We feel in our State that with this additional help we could increase our activity in several fields such as the following: (1) Studies of accidents—While we have made many studies of the causes of accidents we know that much more needs to be done, particularly as it relates to the driver and one-car fatal accidents. (2) Accidents Reporting—We need to improve our accident reporting system so that we can prepare better case histories of our problem drivers. (3) Review of Overall Safety Establishment—A study of the inter-relationship of highway safety activities of our several state departments and local subdivisions of government might point out where additional improvements are needed. (4) Review of Court Procedures—Obviously enforcement of traffic laws will be effective only if our law enforcement is backed up by our courts. More attention to the handling of traffic cases in our courts along with a review of our penalties systems would be more helpful. (5) Stepped-up Program of Public Education—This is a part of the program which could go forward with great effectiveness if it were not for the limitation of funds. Federal assistance in this area would be welcome. Additional Federal funds would make possible more driver education courses in our schools; the carrying out of intensive public educational program on highway safety with newspapers, radio, television, handouts as strategic points along our highway systems such as toll stations and safety exhibits at public gatherings such as fairs.

Earlier I mentioned the work which our Motor Vehicle Division is doing in the inspection of vehicles. We feel that it is important to inspect all cars in use as well as those that are sold for the first time. After all, there are about six times as many used cars on the road as there are new automobiles. Over the many years that our State has been involved in the inspection program it has been necessary for us to establish certain standards of performance. This is true of many other States with similar inspection programs. Since there are specialists in our Motor Vehicle Division in this particular activity we feel that they could be of great assistance to the Secretary of Commerce in your administration of Title I of the Bill Congress is currently considering. In the final analysis, the Secretary of Commerce will have to rely on the States to enforce the safety standards which you may prescribe for new motor vehicles. We feel that you will want the initial participation of the States in arriving at the standards. We subscribe, therefore, to the suggestion that the Vehicle Equipment Safety Commission already in existence and of which New Hampshire is a member should be brought into Title I in at least an advisory manner.

Arrangements could be made whereby the Vehicle Equipment Safety Commission could suggest to the Secretary of Commerce which standards it feels should be adopted. The Secretary could or could not adopt these standards as he desires. We feel this is important if the true objectives set forth in Title I are to be attained.

We also feel that Title I should be amended so that the States will be permitted to adopt safety standards as prescribed by the Federal Government for other than new vehicles. This would conform with New Hampshire's vehicle inspection program.

In closing, may I reiterate our support of the legislation now before you. We feel that this should enhance a Federal-State partnership in the solution of the highway accident problem. We submit to you that the program can be successful only if the States are permitted to participate in the program all the way, including recommending safety standards for motor vehicles.

Sincerely,

JOHN W. KING.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 3, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: This is in response to your letter of April twenty-sixth requesting the views of New York State on the proposed Traffic Safety Act of 1966. First, let me agree with the position you took in the talk delivered at the 28th Annual Meeting of the Automotive Safety Foundation, November 4, 1965. You indicated:

"The waste from traffic accidents—both human and financial—is a legitimate concern of the Federal, as well as state and local authorities.

"It is apparent then that a national effort is required, and that the combined resources of all levels of government—each respecting the other's proper responsibilities—must be mobilized in the cooperative endeavor."

We assume that the Federal Government will continue to regard traffic safety as a matter of vital local concern and that the pattern of Federal fund allocation in Title III of the Act would be primarily to help states and localities continue, develop and expand their own programs. We also trust that the uniform standards approved by the Secretary under Title III will take into consideration the successful efforts of the states in the past and that the states will be relied upon to provide guidance in the development of these standards.

In this connection, since the standards under the so-called Baldwin Amendment adopted at the last session of the Congress are soon to be distributed in draft form by the Bureau of Public Roads and since these standards would apparently be those which would be promulgated under the proposed Traffic Safety Act, I am enclosing for your consideration at this time some guidelines for such standards which have been prepared by a subcommittee of our State Interdepartmental Traffic Safety Committee. These suggested guidelines should not only be helpful to the Bureau of Public Roads in connection with its present project on highway safety standards but should also be useful to the House Interstate and Foreign Commerce Committee, presently considering the proposed Traffic Safety Act.

With respect to Title I of the Traffic Safety Act dealing with motor vehicle safety standards, we would like to point out that New York was the first state to pass a law for attachment points for seat belts, the first state to establish standards for tire condition, and the first state to establish standards for brake linings. In 1965 New York State allocated the sum of \$100,000 for the first stage of a safety car feasibility study which we hope will lead to the development of safer automobiles. Senator Edward Speno from our New York State Legislature has already testified at the Senate and the House Committee hearings with respect to this study and also motor vehicle safety standards. In view of Section 113 of Title I regarding avoidance of duplication, it is suggested that the research in New York be supported and continued, since we will have a two-year head start on the Federal Government, as a joint research project for the establishment of motor vehicle safety standards through effective research, testing and development.

In further regard to Title I, the states and the Federal Government should strive to create a cooperative climate of partnership toward traffic safety progress. The Vehicle Equipment Safety Compact in which some 44 states and the District of Columbia are participating has established tire standards through the mechanism of a Vehicle Equipment Safety Commission. It would seem that this mechanism could be continued on a cooperative basis with the Federal Government under the provisions of this Act.

With regard to the proposed traffic accident and injury research and test facility under Title II, fortunately, we are in a position in this State—because of existing research facilities—to use effectively grants to the State for safety research and development. In order to make effective the Title II, facility, it would seem advisable to utilize Title III grants to encourage the establishment of research facilities in a substantial number of states.

Although we recognize that the purpose of the National Driver Register Service is essentially sound, we have reservations about the expansion of this registry as proposed in Section 404 of Title III. Such an expansion would involve a very substantial amount of expensive record keeping with a minimum amount of benefit unless some positive means of driver identification common to all states can be devised. We understand a study of this problem is now underway, but a full study of the results achieved by the Federal Register would seem to be in order before any expansion of this program is accomplished.

We trust these suggestions and observations, as well as the suggested guidelines for safety program standards, are of assistance to you and the Committee. Sincerely,

NELSON A. ROCKEFELLER.

SAFETY ADMINISTRATION

1. The Bureau of Public Roads should, before promulgating standards, notify and seek clearance and advice from the various governors or their designees, giving cognizance to standards already established by interstate compacts.

2. Each state should have an official coordination committee designated by the governor. This committee should encourage operating agencies to improve their communications and liaison toward the end of stimulating uniformity of laws, policies, procedures, and techniques in behalf of traffic safety.

3. States should make provision for communications and liaison, on an interstate basis, of their highway officials, police, motor vehicle administrators, and others with traffic safety responsibilities, toward the end of stimulating uniformity and professional competence.

4. The states and the Federal Government should strive to create a cooperative climate within which all are equal partners in traffic safety progress. (A typical example might be federal participation, as an equal member, of the various interstate traffic safety compacts.)

5. Each state should establish capabilities for research, public education and legal services in highway safety, design, control and regulation. Research should be oriented toward evaluation of existing programs, devices and techniques and suggesting new ones; public education toward keeping the public informed of traffic safety needs and also means of improving driving techniques; and legal services toward providing sound counsel in all aspects of motor vehicle law, legislation, regulation, reciprocity, and conformity with nationally recommended standards.

HIGHWAY AND TRAFFIC ENGINEERING

1. Existing federally-required design and traffic engineering standards should be promulgated as official standards under the Baldwin Amendment. Provision should be added in such promulgation to require maintenance of adequate liaison with related agencies with respect, not only to traffic safety standards normally within the scope of their jurisdiction, but also with respect to accident reporting, maintenance, and construction markings.

2. Each state should conduct a program of spot improvement of high-frequency accident locations.

3. Each state should establish absolute maximum speed limits, which they have found to be realistic, reasonable and safe after study of prevailing speeds.

Such studies should be conducted on a continuing basis. State authorities should be empowered to set minimum speed limits. Maximum limits should be the same for all types of vehicles.

4. Each state should place milepost markers a quarter-mile apart on all its state highways.

THE VEHICLE

1. Nationally accepted features of safe vehicle design and automotive equipment should be adopted through a cooperative state-federal partnership. (New York State is now in a position of leadership in this area and would welcome federal financial assistance to pursue its current safety car feasibility studies.)

2. Each state should have a statute providing for mandatory periodic inspection of all vehicles, using present nationally-accepted standards as a basis for minimum vehicle inspection requirements. Each state should provide comprehensive training for all inspection personnel both in requirements of inspection regulations and also in methods for inspection.

DRIVER LICENSING

1. Each state should conduct a uniform driver license program to embrace effective examination of new drivers, maintenance of a central state records system, and suspension or revocation for cause when necessary based upon drivers' records so maintained.

2. Each state should issue a driver license only to its own resident. A new resident in a state should be required to surrender any license issued him by another state. Each state should return such a surrendered license to the state of issuance, requesting a transcript of the applicant's record. Each state should, in turn, recognize properly licensed operators who are residents of other states, without respect to any so-called "work rule."

3. Each state should provide, upon request, records (new violations as well as prior records) on all drivers who move to other states. To insure rapid, meaningful interchange of driver license records among states, a uniform driver identification system should be adopted by the states, embracing any combination of name, date of birth, sex, or social security number for interchangeable computer application. In this connection, each state should require proof of birth date and name on all original applications for license.

4. States should adopt the classified license concept, with licenses based upon the type of vehicle driven. Applicants should be examined in the types of vehicles which they will operate.

5. Licenses issued on a first-time basis or after revocation should be regarded as "probationary" during the initial period after issuance, and should be withdrawn upon conviction for a single serious moving violation.

6. Each state should conduct a program of selective periodic re-examination of drivers with respect to fitness to drive.

7. Each state's licensing authority should have adequate medical counsel and a system whereby reports are made available to enable it to remove licenses from unfit drivers.

8. Each state should work toward making driver training a prerequisite for original licensing. (As a first step, the federal government could provide financial assistance to insure training of enough teachers to provide this service.)

9. Each state should conduct a program of education aimed at instructing and/or rehabilitating problem drivers and should establish effective means of identifying such drivers.

ENFORCEMENT

1. Each state should set minimum standards for selection and recruitment of personnel as traffic officers, and should provide facilities for training for state and local manpower as officers.

2. Each state should base its traffic enforcement personnel assignments upon previous records of accident experience, and require enforcement which is proportionate to traffic accidents with respect to place, time, and type of violation.

3. Each state should provide for and require the use of a uniform traffic ticket and complaint.

4. Legal barriers to the use of such enforcement devices as unmarked cars, radar, and chemical tests should be removed in all states.

5. Police should have authority to take enforcement action in an accident situation, even though the violation did not take place in the presence of the arresting officer.

6. Each state should develop an adequate program of emergency highway communications and services.

7. Each state should strive to develop a strong relationship between courts and police agencies to insure uniformity of enforcement and penalty.

ACCIDENT RECORDS

1. Each state should develop and maintain an effective accident reporting and records system. (Broad new guidelines in this area are now being developed by the Traffic Accident Data Project, National Safety Council.) Such accident record systems should have these objectives:

(a) Identify the problem driver for corrective action by administrative and enforcement officials.

(b) Point out high accident locations for corrective action by the traffic engineer, enforcement agencies and other governmental units.

(c) Indicate over-all deficiencies in highways and streets for traffic and highway engineers to provide a guide for roadway design.

(d) Define the scope of the traffic problem which police administrators must cope with so that intelligent and effective use can be made of manpower and facilities.

(e) Assist the legislator in drafting laws and help the government administer in formulating policies and regulations.

(f) Develop public understanding and support for effective official policies and programs and the jurisdiction of programs involved.

(g) Identify areas in which further research is needed—about drivers, vehicles and roadways.

(h) Indicate the effectiveness of efforts made by governmental agencies in traffic accident prevention.

(i) Assist educators in the education and training of new drivers in school and public safety education.

2. Each state should strive to improve the quality and quantity of accident investigation by safety officials including police and engineers.

3. Each state should publish, annually, a report and analysis of the previous year's accident experience, using general standards established in the Inventory Program of the National Safety Council.

TRAFFIC LAWS

1. All states should bring their laws into conformity with the Rules of the Road portion of the Uniform Vehicle Code. Where state statutes relate to other subjects included in the Code, the *substance* thereof should conform to the code, even though the language is not the same. Where a state is making changes in or additions to its statutes (even where the substance is the same) these should, where possible, conform to the language of the Code.

2. Each state should have statutes embracing the "implied consent," driving while intoxicated, and driving with ability impaired concepts.

3. Statutes involving driving while intoxicated, driving with ability impaired, and the implied consent concept should be broadened to include use of narcotic, depressant or stimulant drugs.

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, May 5, 1966.

Hon. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

MY DEAR MR. SECRETARY: Recently you requested comments from appropriate Ohio officials on the highway safety bill recently introduced with the blessings of the President. As a guide to the kind of matters that are receiving attention here with relation to highway safety, I am enclosing a copy of the April 12, 1966, report of our Highway Safety Program and attachments thereto.

Sincerely,

JAMES A. RHODES, Governor.

REPORT OF SUBCOMMITTEE, HIGHWAY SAFETY PROGRAM, APRIL 12, 1966

Pursuant to instructions of Directors Masheter and Nelson, this subcommittee has held three meetings.

The first meeting was devoted to a complete review of the provisions of the Baldwin amendment as related to safety. A copy of the minutes of the first meeting is appended hereto.

At the second meeting the subcommittee resolved that its purpose was to set forth, insofar as possible, the changes that needed to be made to present activities and programs, to insure that Ohio's safety program was in accord with the Highway Safety Act. The remainder of the second and the third meetings were spent in setting further needs in a specific manner.

The Subcommittee submits herewith its proposals. Appended to the proposals are more detailed comments submitted by the Subcommittee members to give background information.

It is recommended that the committee on the whole review each proposal and take some action. It is further recommended that suggestions of members of the committee be incorporated into the list of Safety Needs.

Respectfully submitted.

H. MYERS
H. HALL
A. SCHWARTZ
W. STERNAD
F. TARBOX

STATE OF OHIO HIGHWAY SAFETY NEEDS, APRIL 1966

I. ACCIDENT RECORDS

A. Accident records now available are not adequate to meet the requirement that they be used for detecting and correcting accident prone locations and determining causative factors of accidents.

B. It is proposed that a technical committee be established to investigate and recommend:

- (1) Procedures required to accomplish effective accident records system.
- (2) Any needed legislation to effect the required accident reporting and records system.
- (3) Investigate provisions in Safety Legislation which might assist in defraying cost of adequate records system.

II. DRIVER PERFORMANCE

A. Driver Education and Training (See Appendix A)

(1) Enact Legislation to require high school students to take driver education courses.

(2) Enact Legislation requiring all new drivers (those not previously licensed) to provide evidence of adequate pre-examination training.

(3) Reevaluate, improve and adequately finance activity of drivers training aids—training manuals, driver education literature, films, displays, etc.

B. Driver Examination and Reexamination (See Appendix B)

(1) Reorganize driver licensing functions (examination and license issuance) into a single operating unit.

(2) Enact Legislation to require reexamination of drivers on not less than a four year interval. Will require leveling of work load and alteration in issuance system.

C. Suspension and Revocation of Drivers Licenses

(1) Revise point system to include drivers accident experience as the basis of requiring reexamination or revocation by the license issuing authority.

(2) Revise Section 4507.30 of Revised Code of Ohio to establish specific fines or jail sentences for violation of revocation orders.

III. VEHICLE SAFETY

A. Enact Legislation to implement national legislation on vehicle safety requirements.

B. Vehicle inspection Legislation should be supported by public rather than state government.

C. Recommend that committee be established to prepare analysis of possible costs of vehicle inspection systems and best method of operation, and to evaluate effect of vehicle inspection on accident rates.

IV. HIGHWAYS

A. Programming. (See Appendix C.)

(1) Adopt a state wide policy similar to BPR PPM 21-16 which would require local governments to evaluate safety needs in programming of accident improvement projects to qualify for state participation in projects.

(2) Prepare comprehensive state wide inventory of High Accident Locations to include all Highways.

(3) Place increased emphasis on accident experience as the basis of programming both minor and major improvement projects.

(4) Extend Department's accident improvement program to state highway extensions in villages and cities.

(5) Initiate research as to how accident experience can be incorporated into sufficiency rating system to better reflect operating sufficiency of highway.

B. Design

(1) Establish a Design Policy Committee made up of Division Design representatives, Central Office Design Personnel, and Operations representatives to review design standards as they are related to safety and accidents.

(2) Encourage adoption of improved design standards by local governments through sponsorship of University Short Courses and advisory assistance by Department personnel.

C. Maintenance

(1) Use accident experience as a basis of allocating maintenance efforts such as:

- (a) Shoulder widening
- (b) Shoulder stabilization
- (c) Deslicking
- (d) Curve widening and superelevation
- (e) Minor sight distance improvements
- (f) Removal of obstructions in the roadway

(2) Enforce standards for protection of maintenance work areas.

D. Construction

(1) Rigidly enforce standards for traffic control on construction projects.

(2) Require traffic operation and traffic control plans for any construction involving freeways and expressways.

E. Traffic Engineering

(1) Adopt state program and policies to insure that uniform traffic control devices are in place by 1969. (Similar to PPM 21-15.)

(a) Require uniform traffic control devices as basis of Department's participation in any improvement project.

(b) Establish procedures and financing for traffic control improvement projects on state route extensions.

(2) Encourage extension of traffic engineering studies to accelerate improvement of traffic control devices at high accident locations.

(3) Lend traffic engineering staff to assist in providing traffic engineering assistance to villages and smaller cities to insure maximum safety effort at the local level.

(4) Encourage cities to assign Traffic Engineering functions according to proposals of the Institute of Traffic Engineers.

(5) Sponsor Traffic Engineering Short Courses for training of personnel assigned traffic engineering functions.

(6) Encourage transportation area studies to make data available as rapidly as developed to Traffic Engineering Personnel to expedite traffic improvements on existing streets and highways to reduce accidents and improve traffic flow.

F. Railroads

(1) Study should be given to improved signing techniques and pavement markings at railroad crossings.

(2) Revise Section 4955.33 of the Revised Code of Ohio to require that all railroad cross bucks be either reflectorized or lighted by December 31, 1968.

V. POLICE (SEE APPENDIX D)

A. Establish traffic enforcement training program through short course instruction courses within State Universities.

B. Recommend that local governments establish selective enforcement programs and that assistance be provided where needed.

VI. COURTS

A. Recommend that certain traffic court cases be adjudicated in courts of record.

B. Recommend additional traffic bonding stations to reduce traffic officer loss of time.

C. Develop a program to improve the mutual understanding of the traffic accident problem—as between the traffic officer and traffic court judge.

VII. SURVEILLANCE

A. Establish a committee of state government agencies to coordinate day to day traffic safety efforts.

B. Recommend that local governments establish inter-agency traffic committee to coordinate official safety activities.

C. Adopt a policy of team inspection of each new highway between six months and twelve months after opening. Such team to include Design, Construction, Operations and Enforcement representatives.

VIII. PUBLIC SAFETY

A. Support the Ohio Committee for Highway Safety by providing necessary administrative staff to carry on an effective program.

IX. LEGISLATION

A. Provide necessary assistance to Legislative Committee of O.C.H.S. in review of Ohio Legislation towards adopting Uniform Vehicle Code—Cooperate with Legislative Service.

B. Draft model traffic ordinances to local adoption—Inclusion of drunken driving section of Ohio Statutes would make possible increased enforcement of drunken driving penalties.

X. RESEARCH

A. Support Safety Research Test Center, investigate use through Federal Highway Safety.

B. Expand the scope of Highway Research to include all areas of highway safety activities, namely:

- (1) Engineering features related to highway safety
- (2) Driver training methods and training aids
- (3) Effects of highway safety education programs
- (4) Effects of selective enforcement program on accidents

COMMENTS*Item Nos. 1 through 4*

These items do not seem to apply at the state level, but rather outline the proposed organization at the national level. We concur with the objectives, organization and administration of the program by the Bureau of Public Roads.

Item No. 5

Ohio will certainly agree to abide by the design policies and standards promulgated by AASHO. Updating policies and standards to incorporate new safety concepts is a necessary phase of the work.

In our discussion, it was brought out that there needs to be some policies adopted by AASHO which would guide the states toward assigning higher priorities to construction projects, the end result of which would be improved highway safety.

Inasmuch as many states, like our own, assign project priorities on the basis of "Sufficiency Rating", we believe that accident experience on each highway

section should be given more consideration. These ratings, on a point of basis, give more weight to structural conditions than they do to safety factors. In Ohio, only 5 points in the total of 100 are given to accident experience. Even a zero rating in accident experience would have little effect on the overall sufficiency rating. Possibly consideration should be given by AASHO to evaluating the sufficiency rating procedures used by states and then determine if there is a need for revision to better reflect accident experience on the various highway sections.

Item No. 6

Our Department issued a new Manual of Uniform Traffic Control Devices early in 1964. Approximately 6000 copies were distributed to Department personnel, County Engineers, County Commissioners, City Officials, and even to court judges.

Even though Ohio law, prior to 1965, required that local officials erect only uniform traffic control devices, the law was strengthened this year by a code revision which makes it illegal for vendors to sell non-uniform devices and further prohibits local jurisdictions from purchasing or manufacturing non-uniform devices.

A concerted effort is being made in Ohio to bring all traffic control devices on the highway system up to the current standards. This is being done on a programmed basis.

Item No. 7

At our meeting it was agreed that we would establish a Traffic Safety Liaison Committee. Tentative plans are to have the following official state representatives on this committee:

From Department of Highways:

- Director of Highways
- Engineer, Bureau of Location & Design
- Engineer, Bureau of Maintenance
- Engineer, Bureau of Construction
- Engineer, Bureau of Traffic

From Department of Highway Safety:

- Director of Highway Safety
- Superintendent, State Highway Patrol
- Chief, Driver's License Section
- Chief, Statistical Division

From Department of Education:

- Supervisor of Driver Training

We concur with the proposal that the Department of Highways will have to assume primary responsibility of coordinating the program.

Item No. 8

Ohio has carried on a Spot Improvement Program for a number of years. Actually, this program has been more comprehensive in that it included investigations of fatal accident sites, investigation and improvement of high accident sections and correction of sections with high frequencies of wet pavement accidents. In conjunction with the new BPR directives, this program will be greatly expanded.

In those states where the governmental structures are the same as in Ohio, we can see a number of problems of extending this program to highways under the several local jurisdictions.

Item No. 9

Ohio does have a type of accident reporting law. Operators are required to report any accident where there has been an injury, death or property damage in excess of \$100. Police officers are required to report accidents to the Department. Laws are probably adequate to get results, but some changes will be required in administration procedures to analyze accident data on streets and highways on the Federal-Aid System which are under local jurisdictions.

Item No. 10

Ohio presently has a comprehensive accident analysis system which can accurately locate accidents on the rural state highway system. How this system can be extended to other highways will require study.

Item No. 11

Location of fatal accidents on the rural state highway system are now investigated by engineers of our Bureau of Traffic, as you have outlined. Consideration will be given to methods by which this policy might be extended to local jurisdictions.

Item No. 12

With respect to mile markers, we believe that the states should be given a little more latitude. In Ohio, we use two mile markers, plus log mileage indication on all structures on the rural system. With these reference points, the State Highway Patrol seems to be able to be reasonably accurate in defining accident locations.

Item No. 13

A compulsory driver training program in high schools is desirable. Three Bills were introduced in the last Ohio Legislative Session to provide such training. The factor that probably defeated the Bills was the cost of such a program. It is estimated that approximately 58% of the high schools have driver training programs; they are not, however, compulsory.

In our discussion, it was suggested that your committee might include another item in the program and that would be to encourage colleges to provide proper courses in driver training instruction procedures and methods. Possibly a national program of Driver Teacher Training similar to the National Science Foundation should be developed.

Item No. 14

The Department of Highway Safety is now preparing to issue a new Driver's Manual. It will incorporate better instructions in freeway driving.

The Department will give consideration to some kind of material to better orient drivers to freeway driving.

Item No. 15

Ohio now has a driver licensing examination program which has been rated very highly. It will be reviewed in light of the outlined need for updating drivers on freeway driving.

Item No. 16

The use of models is an excellent idea.

Our discussion brought out the possibility of the Highway Department providing a series of aerial photographs of the various types of interchanges to be used in driver training programs.

Item No. 17

Research in the field of highway safety is certainly needed.

Ohio has recognized the need and has allocated a large percentage of its research funds to highway safety oriented research. These projects are carried on through cooperating universities as well as in the Department by Department personnel.

Item No. 18

The effect of alcohol in traffic safety needs more research.

In this area, certainly the courts should be better informed on the effects of alcohol as related to traffic safety.

Item No. 19

A program of this general type is desirable. Several years ago this Department, in cooperation with the State Highway Patrol, set up a program called "Operation Seek". It is no longer carried on. Such a program must be clearly defined on which engineering and patrol time can be spent where it could be better utilized in studying locations where accident data indicates that there are known accident problems.

In this general field, we are aware of the practices of some states in having a team-type evaluation of new projects after they have been in operation for 6 to 12 months. Would this be a desirable feature of the program? If so, has AASHO established any procedures, standards, or data on the results of such practices?

Item No. 20

We concur that this certainty is a responsibility of the Department. In Ohio, efforts have been extended in the past year to improve safety and operations in connection with maintenance and construction operations. This area of work is thoroughly covered in the Ohio Manual.

Item No. 21

With respect to uniform legislation, this is being done principally through a Legislative Committee of the Ohio Committee for Highway Safety.

With respect to improved enforcement and policy regulation, Ohio has just recently established a Peace Officers Training Council which will standardize police training. State law now requires that new police officers be given a minimum of 120 hours of training which will include traffic enforcement.

Item No. 22

See 21 above.

Item No. 23

Reexamination of drivers is certainly desirable. Drivers licensing officials in Ohio have evaluated such a program and its accomplishment is dependent on getting support for the greatly increased costs.

Item No. 24

Mandatory vehicle inspection would certainly appear to be desirable. Several Bills on this subject were proposed in the last Ohio Legislative Session. One Bill did pass the Ohio Senate, but did not pass in the House.

It is suggested that a research project be established to give adequate statistics of the effect of vehicle inspection on accident rates. Such information would be helpful to states considering such legislation.

Item No. 25

Consideration is being given to the need for emergency communications and services.

The Department is participating in the BPR research on service needs.

Our Research Section is considering possible need for research in the area of emergency communication systems.

Item No. 26

Adequate reporting is certainly essential to evaluating the effects of the program hereinbefore outlined.

The Department maintains surveillance of accident experience on safety improvement projects. Data has indicated that such projects result in significant reductions in accidents.

APRIL 29, 1966.

From the Desk of Gov. Henry Bellmon.

DEAR MR. SECRETARY: Enclosed is a copy of the letter which this office sent to President Johnson regarding the proposed Traffic Safety Act of 1966.

I am sending it to you in response to your letter and telegram of April 26.

Sincerely,

HENRY BELLMON, Governor.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, April 26, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Governor of the State of Oklahoma, I share your deep feeling of concern and sense of responsibility regarding the increasing loss of human life and property, as well as the suffering resulting from accidents occurring upon our highways and streets.

As Oklahoma's Chief Executive, I look with interest upon S. 3005, titled "The Traffic Safety Act of 1966." It is my personal belief that uniform standards and guidelines will cause the respective states and municipalities, as well as the

transportation industry, to share in the responsibility of making our streets and highways safer. I am inclined to feel that it is necessary. However, it is my feeling that the major responsibility should continue to rest with the individual state and city governments.

Listed below are comments prepared by Oklahoma authorities in public safety, which are recommended for the consideration of the appropriate federal officers:

Title I, S. 3005

Forty-four of the states now have in operation "The Motor Vehicle Safety Equipment Act," wherein the various states cooperate in developing and enforcing standards and requirements of motor vehicle equipment that is sold and placed upon the streets and highways of the states. The federal government should make use of the states' vehicle equipment compact in the implementation and the operation of the provisions of Title I of "The Traffic Safety Act." There may be a need for the federal government to establish certain standards to be met by the manufacturers of new vehicles. It is recommended that the manufacturers of motor vehicles be given the time to phase into the program, and to have an opportunity to prove their good intent in the development of these standards as prescribed by Title I of the Act.

Section 107 and Section 108

It is suggested that a criminal penalty be provided in addition to the civil penalty clause in Section 108 to provide eventual criminal prosecution in cases where the civil penalties have not been effective.

Title II

The establishment of facilities for the purpose of research, development and testing appear highly desirable. However, full use should be made of already established facilities at the federal and state and industry level, since they are already equipped in many instances to do outstanding and dependable work in this area.

Section 402

It is strongly recommended that the programs and standards that are recommended under Section 402 follow closely the recommendation of the uniform vehicle code, and those contained in the President's Committee on Higher Safeties "Action Program." These standards should be developed as quickly as possible and made available to the states for study prior to final adoption by the Congress. Establishment and enforcement of uniform traffic safety regulations would result in a new respect for highway transportation, and would benefit the highway users in the creation of a safe, efficient, improved transportation system.

Oklahoma is taking seriously her responsibility for making the streets and highways of the state safer. Our appropriation for the operation of the Department of Public Safety was increased 30.6% by the last Legislature. With these funds the number of traffic enforcement officers is being increased about 25%, better equipment is being provided, and our enforcement of traffic laws is being constantly improved. However, action to bring about improved safety in design and manufacture of vehicle and in road construction should prove greatly beneficial.

Sincerely,

HENRY BELLMON, Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Salem, May 2, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. CONNOR: Subsequent to your telegram and letter of April 26, I have reviewed and discussed H.R. 13228 with the highway safety officials of our state. Generally, they are in agreement with the concept and the provisions of the measure.

Obviously, much of the action of this measure is intended to ensue subsequent to passage of legislation establishing a cabinet level Department of Transportation, and appointment of a Secretary of Transportation. Much of our discussion centered around the arbitrary powers in the establishment of vehicle equipment

and highway safety program standards to be granted to this individual under this measure. It was noted that the Secretary would be authorized to consult with other Federal agencies on these standards, *should he so desire*. However, it was our feeling that such consultation should be mandatory and should be expanded to include State and industry representatives. Possibly, the abolishment of the President's Committee for Highway Safety, and reconstitution of some truly active and representative advisory group would provide the reservoir of consultants with whom the Secretary could be directed to consult.

Regarding the expending of funds for grants, research, training, etc., and for establishment of highway safety research facilities, I should like to go on record as urging the expenditure of such funds and the establishment of such a facility in the Western United States. Historically, the 13 Western States have always taken the lead in adoption of cooperative traffic safety ventures. Also historically, the Chief Executives of these states have vigorously promoted and supported traffic safety programs and progressive legislative measures. I submit that there exists a most favorable climate for the establishment of facilities and development of traffic safety research in the Western United States.

As I interpret H.R. 13228, it is in general agreement with S. 3052. I should appreciate being kept informed as to the progress of these measures and of the opinions expressed in hearings.

Sincerely,

MARK O. HATFIELD, *Governor*.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF REVENUE,
BUREAU OF TRAFFIC SAFETY,
Harrisburg, May 12, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
U.S. Government, Washington, D.C.

DEAR MR. CONNOR: Your recent telegram regarding House Bill 13228 has been forwarded to me for reply.

I would endorse increased Federal participation in the field of traffic safety and believe that the establishment of national research and testing facilities could only result in increased safety on our highways. This participation should not, however, pre-empt the rights of the individual States nor supersede their present activities, but rather should be in the form of a partnership with the States.

The most natural medium for the fulfillment of this partnership would be the Vehicle Equipment Safety Commission, an organization of States to promote uniform, safe, vehicle equipment, established as a result of the 1958 Beamer Resolution. This commission could be reorganized to include any Federal agency designated by legislation to act jointly with the several States in the promulgation of effective traffic safety programs.

I would also like to express the belief that Senate Bill 2669 deals with safe vehicle equipment and should rightfully be a part of House Bill 13228.

There are other provisions of House Bill 13228 which we would like to consider in greater detail and will supplement this letter with a full report at a later date.

Sincerely yours,

HARRY H. BRAINERD,
Commissioner of Traffic Safety.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, May 2, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: The Governor concurs with the views expressed by Colonel P. F. Thompson in the enclosed letter.

With kind regards, I am
Sincerely,

HENRY L. LAKE, *Legal Assistant.*

SOUTH CAROLINA,
STATE HIGHWAY DEPARTMENT,
Columbia, S.C., May 2, 1966.

HON. ROBERT E. McNAIR,
Governor, State of South Carolina
Wade Hampton State Office Building,
Columbia, S.C.

DEAR GOVERNOR McNAIR: Reference the President's proposed traffic safety act of 1966, H.R. 13228, I wish to advise that I have thoroughly read this Bill; also, it has been discussed with Mr. S. N. Pearman, Chief Highway Commissioner, and Mr. J. K. Crowson, Secretary-Treasurer of the Department. All of us agree that the objectives of this Bill are proper and desirable.

With kindest regards,

Yours sincerely,

Col. P. F. THOMPSON,
Commander, South Carolina Highway Patrol.

AUSTIN, TEX.

HON. JOHN T. CONNOR,
Secretary of Commerce, Washington, D.C.:

Regarding your telegram of April 26 relative to H.R. 13228, I feel vehicle equipment safety compact should be given opportunity to operate in partnership with federal government if vehicle standards are to be set by federal act. I have requested time for Colonel Homer Garrison, Jr., Director, Texas Department of Public Safety, to testify before House Commerce Committee on May 4 to more fully explain State's position.

JOHN CONNALLY.

MONTPELIER, Vt., May 3, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.:

Acknowledge receipt of your telegram of April 26 and your letter of April 26, both of which arrived during the Governor's absence. I expect him to return and review this material no later than May 5 at which time he will communicate with you.

Sincerely,

PRISCILLA LaPLANTE,
Administrative Assistant.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, April 28, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for calling my attention to the President's proposed Traffic Safety Act of 1966, along with a copy of H.R. 13228.

I am referring this information to Colonel C. W. Woodson, Jr., Chairman of our Highway Safety Committee, with the request that he review the proposed legislation and convey his views by May third.

With kind regards, I am

Sincerely,

MILLS E. GODWIN, JR.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, May 3, 1966.

The Honorable JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: This is to acknowledge your recent telegram regarding the President's proposed Traffic Safety Act of 1966 which has been introduced as House Bill no. 13228.

A copy of the Bill has been referred to Colonel C. W. Woodson, Jr., Chairman of Virginia's Highway Safety Committee with the request that he evaluate the proposed legislation and submit Virginia's views.

Sincerely,

MILLS E. GODWIN, Jr.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S HIGHWAY SAFETY COMMITTEE,
Richmond, Va., May 2, 1966.

The Honorable JOHN T. CONNOR,
The Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Your letter of April 26, 1966, to the Honorable Mills E. Godwin, Jr., Governor of Virginia, has been referred to this office.

I have carefully reviewed H.R. 13228.

Virginia began approving equipment used on motor vehicles in 1932 and this has been expanded over the years to require the approval of brake testing equipment, headlight testing equipment, all lights used on motor vehicles, all glass, seat belts, air conditioners, trailer braking systems, brake fluid and saddle mounts. Windshield wipers, rear view mirrors and horns were approved at one time but were deleted because the law is specific as to the functions of these items. In January, 1966, the Virginia Legislature enacted legislation permitting the approval of tires on Virginia registered motor vehicles designed and licensed primarily for passenger vehicular transportation being operated over the highways of this State. This will be implemented as soon as standards can be established. Virginia has long been one of the leading states in the approval of automotive equipment and the inspection of motor vehicles.

In 1964, the Virginia Legislature enacted into law Section 46.1-308.2 of the Code of Virginia of 1950, as amended, making Virginia a party to the Vehicle Equipment Safety Compact. The purpose of this Compact is to establish uniform standards for the approval of equipment used on motor vehicles. This Organization is now in the process of establishing standards for tires and braking systems.

"TRAFFIC COURTESY IS CONTAGIOUS—LET'S START AN EPIDEMIC"

This Committee will continue its long established policy of favoring legislation which will improve traffic safety.

Sincerely,

C. W. WOODSON, Jr. Chairman.

CHARLESTON, W. VA., May 3, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.:

In compliance with your request, I will be pleased to forward, as soon as possible, by views on the President's proposed Safety Act of 1966.

With kindest regards,

HULETT C. SMITH,
Governor of West Virginia.

THE STATE OF WISCONSIN,
EXECUTIVE OFFICE,
Madison, May 5, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY CONNOR: This will supplement my telegram of May 3 to you in regard to our position on bill HR 13228.

With respect to the Traffic Accident and Injury Research and Test Facility proposed in Title II of the bill, we would hope that this facility would complement the many research facilities and endeavors by universities, private research

organizations and industry, and that the work of these existing organizations would continue to receive the support and encouragement of the Federal Department, as well as states and others now providing the support. Since the objectives of this new facility will be to develop methods, procedures, and devices to improve highway design, construction, maintenance, and operation, as well as improvements in areas related to drivers and vehicles, the financing of the facility from the Highway Trust Fund appears reasonable. We are concerned, however, with the open-ended appropriation from the Highway Trust Fund proposed by Section 203 of the bill for the construction of the facility *or facilities*. Recognizing that it may not be currently practicable to appropriate a specific amount until the planning of the facility authorized by Section 202 has been completed, it would appear that authorization for the appropriation for the construction of the facility could be the subject of later legislation when more information is available.

The encouragement and assistance of the Secretary of Commerce in the establishment by each State of a highway safety program should accelerate such programs and make them more uniform. We hope and anticipate that the standards approved by the Secretary would recognize and utilize the tremendous reservoir of knowledge and experience and the accomplishments of joint state-Bureau of Public Roads highway vehicle and driver safety efforts through the channels of the American Association of State Highway Officials, the American Association of Motor Vehicle Administrators, the International Association of Chiefs of Police, the Institute of Traffic Engineers, the National Committee on Uniform Traffic Laws and Ordinances, and many others.

We are concerned about the basis of apportionment of funds appropriated to aid the states in the conduct of highway safety programs. In this matter we support the position of the American Association of State Highway Officials that 75 percent of such funds be apportioned on the basis of population and the remaining 25 percent be apportioned on the basis of area. Highway problems tend to be related to population concentrations, but apportioning the 25 percent on the basis of area would provide necessary assistance to states having light population but substantial mileage of highways.

We are also concerned about the possible ambiguity in the term "State Highway Department," which Section 402 of the bill defines as "The applicable State Highway Safety Agency for the purposes of this section." The traditional distribution of highway funds by the Bureau of Public Roads to the states through the State Highway Departments has established a highly satisfactory working relationship, which we feel should be continued in order to avoid duplication and unnecessary administrative expense.

A single state agency should be designated to coordinate the State Highway Safety Program. Multiple contacts by the Secretary with various state agencies or departments would tend to diffuse the highway safety effort and increase expense. It would appear most efficient to channel the funds, assign the responsibilities, and designate the duties of the State Highway Departments as the state coordinating agency for the highway safety program.

The bill as written proposes that funds for State Highway Safety Programs and for highway safety research and development shall come from the Highway Trust Fund. As we are well aware, the monies in the Highway Trust Fund are and will be insufficient to accomplish the construction of the Interstate Highway System by the originally projected completion date. The channeling of substantial Highway Trust Fund monies into activities other than highway construction, even though such activities are extremely meritorious, would correspondingly reduce construction funds and increase the time required to complete the Interstate Highway System.

Because the accident rate on Interstate Highways and other freeways is only a fraction of the accident rate on ordinary highways, the construction of each additional mile of Interstate Highway will reduce accidents as well as increase the convenience and economy of vehicle operation. Therefore, it is not desirable to delay the completion of the Interstate Highway System. We believe that consideration should be given to additional revenue sources for the Highway Trust Fund to offset the amounts proposed for allocation to highway safety programs and to highway safety research and development as set forth in Sections 402 and 403 of the bill.

Sincerely,

WARREN P. KNOWLES, *Governor*.

MADISON, WIS., May 3, 1966.

JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.:

Respecting your April 26 telegram concerning the President's proposed Traffic Safety Act of 1966 I have conferred with our Wisconsin motor vehicle and highway safety authorities.

We commend the Federal Government for spotlighting the Nation's serious traffic problem. However, we strongly feel that responsibilities of the State governments must be recognized in such important areas as law enforcement, traffic engineering, driver licensing, safety education, and public information.

We suggest amending H.R. 13228 to specify that the Federal Government assist the States in the implementation of the vehicle equipment safety compact already entered into by 44 States and the District of Columbia; establishing tougher vehicle safety standards is necessary but their effectiveness will be determined by the quality of enforcement which follows. State patrol and police agencies possess the knowledge ability and power which should be utilized to the maximum degree.

Concerning research it is our judgment that every effort be made to utilize existing private State and university research facilities, expanding such facilities, and using their personnel already acquainted with many facets of highway safety, thus guarding against any duplication of effort.

Methods of expending the total amount of funds provided for in the traffic safety act should be spelled out by Federal statute.

Highway safety standards proposed by the Secretary are desirable to set achievable goals among the States. However, the States must be regarded as full partners in this venture, since the States will continue to bear large responsibilities in administration and enforcement to put significant meaning into such standards.

WARREN P. KNOWLES,
Governor of Wisconsin.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, April 29, 1966.

HON. JOHN T. CONNOR,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Reference is made to your telegram and letter of April 26, 1966 requesting our views on the proposed Traffic Safety Act of 1966 which has been introduced in the House of Representatives as H.R. 13228.

As Chairman of the Subcommittee on Highway Safety of the National Governors' Conference, my statement on this legislation will be presented to the House Committee on Interstate and Foreign Commerce on May 4, 1966 by Mr. Charles F. Schwan, Jr., Director of the Washington Office of the Council of State Governments.

With kind regards,
Sincerely yours,

CLIFFORD P. HANSEN, *Governor.*

Governor ROMNEY. That establishes a record of having asked for their views and recommendations, but that is not an adequate alternative to what I am talking about, because there is no substitute for sitting down and talking things through.

The CHAIRMAN. I understand. And before we are through, we will have that in this legislation that that will be done, before the guidelines are set up.

Governor ROMNEY. I hope it is done before the legislation is finalized.

The CHAIRMAN. Thank you so much, Governor. Have a good trip back home.

The committee will adjourn until 1:30 this afternoon.

(Whereupon, at 12:35 p.m. the committee recessed, to reconvene at 1:30 p.m. the same day.)

AFTER RECESS

Mr. DINGELL (presiding). The committee will come to order.

Our first witness this afternoon is the Honorable John W. Bush, Chairman, Interstate Commerce Commission.

Mr. Chairman, the committee is happy to welcome you for whatever statement you choose to present to the committee at this time.

The Chair also notes you have a number of gentlemen present with you. The Chair would be happy to have them sit with you as witnesses if you so desire.

STATEMENT OF HON. JOHN W. BUSH, CHAIRMAN, INTERSTATE COMMERCE COMMISSION; ACCOMPANIED BY ERNEST G. COX, CHIEF, MOTOR CARRIER SAFETY SECTION; ERNEST WEISS, ASSISTANT MANAGING DIRECTOR; AND MARTIN E. FOLEY, ASSISTANT DIRECTOR, BUREAU OF OPERATIONS AND COMPLIANCE

Mr. BUSH. Mr. Chairman and members of the committee, I have with me to my right Mr. Ernest G. Cox, the Chief of the Section of Motor Carrier Safety; next to him, Mr. Ernest Weiss, the Assistant Managing Director; and to my left, Mr. Martin E. Foley, who is the Assistant Director of the Bureau of Operations and Compliance, under which Bureau comes our Section of Highway Safety.

I have a rather brief statement which, with your permission, I will read for the committee.

Mr. DINGELL. Very well, you may proceed.

Mr. BUSH. Mr. Chairman and members of the committee, my name is John W. Bush. I am the Chairman of the Interstate Commerce Commission and have served in that capacity since January 1, 1966.

I appreciate this opportunity to testify on behalf of the Commission on H.R. 13228, introduced by our chairman, a bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents.

The Commission is vitally concerned with the increasing toll of fatalities and serious injuries on the Nation's highways.

We realize that the highway accident problem may become even more acute with the increase of traffic and with the trend to heavier and more powerful commercial vehicles.

We are in accord with the purpose of the proposed bill to intensify research into the causes of highway accidents and the resulting death, injury, and property damage; to improve minimum safety standards for the highway, the vehicle, and the driver; and to assist and encourage the States to develop programs to attain improved highway safety.

Section 204(a) of the Interstate Commerce Act directs the Commission to establish reasonable requirements with respect to qualifications

and maximum hours of service of employees, and safety of operation and equipment. This duty exists with respect to common and contract carriers by motor vehicle in interstate or foreign commerce.

Similar authority has been granted to the Commission with respect to private carriers of property whereby the Commission is directed to prescribe qualifications and maximum hours of service of employees, and standards of equipment.

The Transportation and Explosives Act, 18 U.S.C. 831-835, confers authority upon the Commission to prescribe safety regulations for the transportation of explosives and other dangerous articles.

Under these provisions, the Commission has adequate legislative authority to prescribe reasonable safety requirements as to commercial vehicles used in interstate commerce.

The Commission has prescribed regulations for the safe operation of motor vehicles and has established standards of equipment for motor vehicles. These regulations are under constant review and are revised whenever necessary to keep abreast of current developments.

The current motor carrier safety program of the Commission includes:

(a) Establishing and enforcing standards relating to driver physical qualifications, driver competence, and driver selection.

(b) Establishing and enforcing regulations relating to maximum hours of service of drivers, including removal from service of those drivers operating in disregard of these regulations.

(c) Prescribing and enforcing standards of vehicle design, parts, and accessories necessary for safe operation, including brake performance, lighting devices, coupling devices, fuel systems, tires, glazing, protection against shifting cargo, protection against fire, and requirements with respect to emergency warning devices.

(d) Establishing and enforcing standards of vehicle inspection and maintenance, including inspection by Commission personnel of vehicles en route and removal from service if such vehicles are found to be imminently hazardous.

(e) Prescribing and enforcing requirements for reporting of accidents.

(f) Investigating serious accidents coupled with appropriate action to insure adoption of preventive measures.

(g) Publishing reports relating to accident investigations for the purpose of informing motor carriers, their employees, insurance companies, State officials, and others concerning causes and appropriate preventive measures.

(h) Publishing statistical data relating to commercial vehicle accidents.

(i) Communicating with manufacturers of vehicles and components, with Federal and State agencies, and other groups concerning recommended accident prevention procedures.

(j) Revising specifications for design, fabrication, and testing of safety devices, and revising specifications for cargo tank vehicles used for highway transportation of compressed gases. This includes inspection and testing of such vehicles presently in service.

(k) Revising regulations relating to placarding of vehicles transporting explosives and other dangerous articles for the purpose of in-

forming firefighters and other affected persons as to type of hazards of cargoes.

(l) Issuing regulations governing operation of vehicles, including the requirement that certain vehicles stop before crossing railroad tracks at grade to reduce the danger of vehicles laden with flammable materials being struck.

Title I of H.R. 13228 would authorize the establishment of Federal motor vehicle safety standards. Section 101(c) of the bill would exclude from this authority vehicles subject to safety regulations under part II of the Interstate Commerce Act or under the Transportation of Explosives Act.

It is our understanding that the purpose of this exemption is to avoid creating a duplication of authority, since the Commission now has comparable authority over motor vehicles under its jurisdiction.

Unless a new Department of Transportation is established, which would have transferred to it all of the Commission's authority over motor vehicle safety, we believe that the Commission should retain the authority it now has over motor carrier safety. With this qualification, we endorse section 101(c) of the bill.

Turning now to general comments on the bill, we agree that motor vehicle safety standards, as defined in title I, should be established. We suggest that the Secretary should encourage the adoption of uniform standards by State and local governments.

In the event the States fail to do so, we agree that the Secretary should establish uniform standards. Uniform safety standards would facilitate compliance and would permit more effective enforcement.

The Commission endorses section 104 of the bill which authorizes the Secretary to undertake research, testing, and development in the field of motor vehicle safety.

We recognize the great need for more research in this field and that a comprehensive collection of safety data, including the performance of vehicles, is essential in order to determine the causes of accidents and to provide necessary information upon which vehicle safety standards can be formulated.

Title II of the bill would authorize the Secretary to plan, design, construct, maintain, and operate facilities in which to conduct research, development, and testing provided for in this legislation. The Commission endorses this proposal, recognizing that existing research and testing facilities may not be adequate for the extensive testing contemplated by the proposed legislation.

Title III would authorize the Secretary to participate in a highway safety program designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom.

We feel that the highway safety program contemplated in title III of the bill would complement the safety standards adopted by the Secretary and would make a significant contribution to a comprehensive approach to highway safety.

In conclusion, we strongly support the objectives of H.R. 13228.

Mr. DINGELL. Mr. Younger?

Mr. Satterfield?

Mr. SATTERFIELD. I have no questions, Mr. Chairman.

Mr. DINGELL. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

Mr. Chairman, were you here when Mr. Hoffa testified?

Mr. BUSH. No, sir; Mr. Younger, I was not here, but some of our staff were here.

Mr. YOUNGER. Have you read this testimony?

Mr. BUSH. Yes, sir.

Mr. YOUNGER. How do you account for his testimony saying that your supervision and standards were no good, or words to that effect?

Mr. BUSH. Not to be facetious, Mr. Younger, but I don't try to account for Mr. Hoffa's rationalization too much at any time.

I read it and I have my own opinions about it, but I think that this statement from the Commission with the expertise of the Commissioners and their very excellent and very small staff while it disagrees in great part with some of the things Mr. Hoffa feels, we feel is correct.

Mr. YOUNGER. Do I understand, then, that if a new Secretary of Transportation is set up, a new Department of Transportation, then all of the safety features now supervised and regulated by the ICC will be transferred to the Department of Transportation?

Mr. BUSH. Yes, sir; that is correct.

Mr. YOUNGER. So if that is done, you will lose your regulatory authority in the Safety Division?

Mr. BUSH. Yes, of highway rail safety and the rail car service factors. Those are the three sections or parts of our operations that we would transfer in total to the Department of Transportation.

Mr. YOUNGER. Do you think a new department can do any better than you have done?

Mr. BUSH. I don't think they could do any better percentagewise, Mr. Younger, but I think that the overall problem of transportation as we have testified in support of the transportation bill, and particularly as you are referring to here in regard to that part which we would transfer over to them, has gotten far beyond our ability to get either budget or personnel requirements to keep up with it.

I think also that our principal objective, being an independent regulatory agency, should be centered as nearly 100 percent as possible on our economic regulatory functions. Therefore, we feel that the Department, if it is created, could, with the nucleus of our very finely trained staff on safety and car service matters, both rail and highway, do a better job than we are able to do.

Mr. YOUNGER. That is all.

Mr. DINGELL. Mr. Huot?

Mr. HUOT. May I ask, Mr. Brush, how many vehicles come under your control?

Mr. BUSH. We have, of course, only the common and contract carriers interstate. Then in the area of safety, we also have the regulation of the private carriers. This is less than 2 million trucks, more than a million and a half. I don't know the exact figure but it is in that range.

Mr. HUOT. The Commission would have control over the safety features of those numbers?

Mr. BUSH. Yes. I might ask Mr. Cox, but I believe there are about as many private carriers as are regulated.

I am referring to numbers of trucks. It is about half and half, those that are common and contract carriers over which we have both economic regulatory authority as well as safety authority, and the private carriers over which we have only safety authority.

Mr. HUOT. It is a small percentage of the moving vehicles.

Mr. BUSH. Yes, it is.

Mr. HUOT. That is all, Mr. Chairman.

Mr. DINGELL. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. Bush, it seems to me you dismiss Mr. Hoffa's testimony much too lightly in view of his experience on the highways, regardless of what you might think about any activities that he might have which are not associated with the trucking industry.

As I heard his testimony, he was very charitable to the Interstate Commerce Commission. He said just what you said, that you did not have enough money or men to do the job. He did not attack the character of the Commission.

The other point he made which arrested my attention was that it is not fair to expect the Interstate Commerce Commission to have any responsibility for about 13 million trucks on the highways over which the Commission has no jurisdiction.

The testimony we have before us is that nearly 40 percent of the fatal accidents involve trucks. Do you know whether this is true or not?

Mr. BUSH. Mr. Cox, our safety man, has a comment on that.

Mr. Cox. First, Mr. Congressman, it must be emphasized that insofar as interstate trucks are concerned, as Chairman Bush has said, we get accident reports only from common and contract carriers. There is no solid body of information as to the number of fatal accidents or fatalities resulting from the operation of private carrier trucks, or trucks of carriers of exempt commodities.

However, those accidents reported to the Commission by common and contract carriers account for nearly 2,000 fatalities a year, which is 4 percent of the 50,000. Of the 2,000, 1,800 or 1,850 result from truck accidents and about 150 from bus accidents.

Mr. MACKAY. You do not have any data to contradict the figure that 39.3 percent of fatal accidents involve trucks as distinguished from passenger cars, do you?

Mr. Cox. We do not have data, but I believe, sir, it is unduly high.

Mr. MACKAY. I think we both agree we just do not have enough data. There is no point in being drawn into an argument about the absence of data. This is one problem we are concerned about.

Another thing Mr. Hoffa said that astounded me was that for 2 years we have had knowledge of an antijackknife device that could be installed on a \$12,000 rig for \$100, which he says has been proven to be an effective antijackknife device.

Do you agree with that statement? Do you know about it?

Mr. BUSH. I know about it, but not nearly as much as Mr. Cox.

Mr. Cox. Mr. Congressman, there are a number of antijackknife devices. I have been told that the one Mr. Hoffa had in mind when he testified, manufactured by a foreign concern, costs about \$670. Of those that we are aware of, and there are a number, we have seen pictures, and this does not include the foreign device just mentioned, and

we have actually seen one demonstrated to us, but not in an actual antijackknife test. Our view is that a truly effective antijackknife device might result in greater harm in the long run than it would do good. After all, a tractor and a trailer is an articulated vehicle. To perform its work, it must turn corners.

Tests conducted by the Winter Driving Hazards Committee of the National Safety Council, in which we have participated for a number of years, have led us to the opinion that no device can do this job without the probable risk of creating a greater hazard.

Mr. MACKAY. Do you now have any testing facilities operated not by contract but by the Interstate Commerce Commission?

Mr. Cox. We have none, except to the extent that it is done for us by such agencies as the Bureau of Public Roads.

Mr. MACKAY. Mr. Bush, I would like to say I have not the slightest interest in attacking anyone in the traffic safety picture. We are trying to get a fresh attack on the problem. I am delighted to see you here in support of the objectives of this bill.

As I understand it, you do support the idea of a transportation department which I support. You do see your Commission's role as primarily economic, and that the safety role is not clearly within the main purview of your function in the Government.

Mr. BUSH. Yes. I was a little disturbed whether it was the tenor of my voice or the choice of my words. I certainly did not mean to attack Mr. Hoffa. I just don't agree with him on everything nor he with me on everything. The part that we made a point of in our statement here seemed to me to be different from the opinion of Mr. Hoffa, particularly where we say that unless a new Department of Transportation is established, to which we would transfer all of our safety operations and all of the expertise of our people, then I think it ought to stay where it is.

It was my understanding that Mr. Hoffa would transfer certain of these safety responsibilities, whether the Department of Transportation was created or whether it wasn't.

Mr. MACKAY. Finally, he suggested a rather interesting proposal, that the Federal and State governments cooperate in systematic inspection of all trucks on the Interstate Systems through certain key points so that 80 percent of the trucks at least would be periodically inspected.

Do you think that the systematic inspection of all trucks on the interstate highways would contribute to safety or would be feasible and that this is consistent with the economics of the trucking industry?

Mr. BUSH. That is a tough question. That is one question that I believe a department of transportation could develop a large enough safety operation, working in conjunction with the State people, but I honestly don't believe that we can even plan for or hope for a sufficient operation in the ICC.

We have, I think, 94 people spread over the whole United States as safety inspectors, and in some cases they have to double in other capacities, too, only as an economic matter. When they go from A to B to make a safety inspection, if there is a boxcar shortage, while he is there he looks into that.

I agree with the first part of the statement, but how many people it would take, I don't believe any of us have determined yet.

Mr. MACKAY. He suggested the combination of a Federal-State operation. But it seems to me now the great weakness we have is that everybody has a piece of the responsibility and nobody has the explicit responsibility. Everybody is getting blamed for something they don't have a clear congressional mandate to do.

By the clear fixing of this responsibility, it seems to me we would be able to have a safer traffic environment than by just muddling along as now.

Mr. BUSH. I agree, and if I knew where this particular function was going, I might agree that they might do a more adequate job and release us for other duties.

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Farnsley?

Mr. FARNSLEY. Thank you, Mr. Chairman.

Most of the testimony and most of the questions address themselves to the vehicle or the driver, while everybody says in passing that the highways are also important. I have asked this question so often I know my colleagues and the press and our regular audience is bored with it, but I wonder if your Safety man has any information on this point. I have some studies that indicate if you had one-way streets and highways, they would be much safer and if you had them properly illuminated they would be safer.

Mr. Cox, do you have any studies or knowledge as to the highways being a contributing factor to the safety picture, or do you suggest as to anything that could be done?

Mr. Cox. I have none that could be called clearly definitive.

For a number of years, data have been published indicating a much lower accident and fatality rate on turnpikes than on all roads. The administrator of the Federal highway program, the Honorable Rex Whitton, has issued data which conclusively indicate that the newer highways, roads built to the Interstate and Defense System standards, are now producing a very much lower fatality rate in relation to miles traveled than are comparable roads.

I think sir, it is beyond any question that roads limited to one-way traffic, as is the case on Interstate System roads, and well illuminated roads, will produce an improved safety record. It is not the whole answer, but it would be a meaningful contribution.

Mr. FARNSLEY. Thank you so much.

Thank you, Mr. Chairman. That is all.

Mr. DINGELL. Mr. Bush, you made a comment on a section of H.R. 13228, and similar legislation, which would exempt motor vehicles subject to regulation by the ICC from safety standards provisions under the Department of Commerce.

Am I correct?

Mr. BUSH. Yes, sir.

Mr. DINGELL. Is your support of that predicated on the fact that that function is about to be transferred under the administration's reorganization plans to a department of transportation?

Mr. BUSH. If I understand you correctly, Mr. Chairman, our purpose in making the statement which we did, that unless a new department of transportation is established which would have transferred to it all of the Commission's authority over motor vehicle safety, we

believe the Commission should retain the authority it now has over motor carrier safety, as I said that is put in there basically because I would not want to see it evaporate off into thin air or go to some other department other than the Department of Transportation where I don't believe they would have the opportunity to do a better job than we would.

If there is a specific place that it would be assigned other than the Department of Transportation, we would keep an open mind on that.

Mr. DINGELL. Specifically, Mr. Bush, do you have all of the authority to lay down safety standards for motor vehicles of the type that you regulate that are afforded to the Secretary of Commerce in H.R. 13228?

Mr. BUSH. Yes.

Mr. DINGELL. I think this is quite an important point. You would state categorically for the record that you have full authority to lay down any safety standards in connection with the manufacturer, design and so forth, to require that a motor transportation vehicle and trailer are safe and will not be a hazard on the public highways?

Mr. BUSH. My answer to that would be "Yes," without qualifying it.

Mr. DINGELL. Will you, for the record and not at this particular time, submit to this committee a statement pointing out specifically those areas or those statutes upon which you rely in this connection?

Mr. BUSH. Yes, sir; we will do that.

(The information requested follows:)

The Commission's authority to prescribe such standards is incorporated in two statutes.

Section 204(a) of the Interstate Commerce Act (49 U.S.C. 304) states, in part, It shall be the duty of the Commission—

(1) To regulate common carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to—qualifications and maximum hours of service of employees and safety of operations and equipment.

(2) To regulate contract carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to—qualifications and maximum hours of service of employees and safety of operation and equipment.

(3) To establish for private carriers of property by motor vehicle if need therefor is found, reasonable requirements to promote safety of operation, and to that end prescribe qualifications and maximum hours of service of employees and standards of equipment.

(3a) Notwithstanding any other provision of Section 203(b), to establish for carriers of migrant workers by motor vehicle reasonable requirements with respect to comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment.

Title 18, United States Code, Chapter 39, in Sections 831-835, direct the Commission to formulate regulations for the safe transportation within the United States of explosives and other dangerous articles.

Mr. DINGELL. Will you further tell this committee whether you have ever exercised those powers in terms of requiring a particular conformation for a motor vehicle of the type that is under your regulation?

Mr. BUSH. Yes, sir.

Mr. DINGELL. Have you ever done so?

Mr. BUSH. You first said we would submit a statement?

Mr. DINGELL. The second question was if you have ever exercised this power over motor vehicles under your regulation.

Mr. BUSH. The answer is "Yes." I wanted to see if Mr. Cox wanted to add anything to that.

Mr. Cox. Yes, sir. We have, in many instances, developed standards and regulatory requirements which go beyond those of State laws in a field of commercial vehicle safety. One example is the matter of emergency brake functions for tractor-trailer combinations. Some years ago the country was plagued with a severe rash of accidents of this type.

Mr. DINGELL. Do you mean with motor carriers careening down mountainsides with no brakes?

Mr. Cox. That is correct.

Mr. DINGELL. The Chair remembers reading of some of those.

Mr. Cox. The Commission, after consultation with industry and with State officials, developed regulations which became effective in 1957 which have drastically reduced this problem, requiring certain means of activating the emergency brakes of the trailer and providing for automatic operation in the event the driver fails to act in time.

Another more recent example, sir, is the fact that the Commission, for the first time anywhere in the Nation on a mandatory basis, required commercial vehicles in interstate operations to be equipped with a means of flashing both front and rear turn signals as a vehicle hazard warning device. This was developed because of the extremely high rate of rear-end collisions in which other vehicles were running into commercial vehicles when they slowed down or stopped.

Two or three winters ago we had a severe rash of drivers being asphyxiated in their cabs. The Commission modified its regulations to prohibit the use of portable propane heaters, which were being widely marketed, and still are. These are examples of the type of work we have done and continue to do.

Mr. BUSH. Mr. Chairman, I would like to add also just for the general information of the committee, the public utilities commissions of the 50 States have formed a committee to work with a committee of our people, and we do work in the very closest of harmony.

The main objective is to try to get as much standardization as possible, standardization of registration, standardization of identification, standardization of safety devices, and any form of standardization that we can.

Our two committees are working very closely and in direct communication with each other constantly.

Mr. DINGELL. Have you ever issued any regulations from the ICC dealing with the configuration and the actual construction of motor vehicles under your regulation?

Mr. Cox. The Commission's regulations contain requirements with respect to the total performance of a vehicle, such as, say, the braking performance of a truck, a bus, or a combination.

Also, with respect to glazing and fuel systems, the regulations require compliance with nationally recognized specific standards. As to glazing, those of the American Standards Association, and in other areas, those of the Society of Automotive Engineers are incorporated

As to fuel systems, our regulations incorporate drop tests for the tanks. Is this responsive to your question?

Mr. DINGELL. I am talking about the use of beams under trailers to prevent trailers from being overloaded and broken down. I am talking about the structure of the cab and so forth to prevent breaking open when there is an accident, or perhaps a requirement for seat belt devices.

Have you issued regulations under these points?

Mr. Cox. With respect to the vehicle, itself, I think the best example I can use is a revision of the requirements for tank vehicles transporting compressed gases. In 1962, a very severe accident occurred in the town of Berlin, N.Y., in which a number of persons were killed and their homes burned.

The Commission immediately undertook to revise its requirements for the construction of tank vehicles to transport compressed gases in bulk. This represents a vast improvement as to design, material, fabrication, testing, inspection, and so on.

Normally, when we find a requirement or a situation with respect to structural integrity, we have immediately moved to consult the truck or the trailer manufacturing industry to effect remedies.

We not normally spell out in the regulations specifically design, but usually we do establish performance requirements.

Mr. DINGELL. With regard to buses, I am advised that a bus turned over recently and in the process of turning over the structure was so designed that the structure itself, collapsed which resulted in the persons inside being injured or killed, and that this could have been obviated by inserting a series of I-beams to reinforce the bus so that it would stand up if it were upside down against the weight of the body wheels and so forth.

Have you taken any steps in this regard?

Mr. Cox. Yes, sir. Several years ago there were two models of buses extensively used throughout the country which showed an unusual disposition to have the top sheared off in case of overturn. We called in the users and the suppliers of those buses, and they were all strengthened by reinforcing and gusseting the window posts.

My firm conviction is, Mr. Chairman, that as of our present structural standards, these vehicles will withstand very substantial shock.

Mr. DINGELL. Will they collapse if they are turned upside down?

Mr. Cox. No, sir, many of them have turned upside down without collapsing.

Mr. DINGELL. Does a truck have a determinable life? Is there a particular life during which a truck can be expected to operate safely?

Mr. BUSH. Do you mean mileage?

Mr. DINGELL. In terms of years or miles.

Mr. BUSH. There are factors there, Mr. Chairman, that have to be coordinated, I think, to answer that categorically. Some people get much, much more mileage out of a truck. Some take much better care of it as they are using it.

I don't believe you could answer that yes or no.

Mr. DINGELL. Has the Commission gone into this question?

Mr. BUSH. Yes, from the standpoint I just stated we have, and from various angles.

Mr. DINGELL. With regard to transfer of authority over vehicles within the regulation of the ICC insofar as safety, do you have any objection to having this authority transferred to the Department of Commerce so that safety, design, and similar questions would be resolved by one agency over all vehicles, passenger, truck, and buses alike?

Mr. BUSH. I would not say at this point we would not have, but I would like to know more about the structure if it was intended. All the conversation that we have had in regard to this particular question has centered on the department of transportation. Nobody has really proposed, at least not seriously, but, as I said, we have a very open mind on that, and that is the only other place I could think of at the time I made the statement that it might go to.

Mr. DINGELL. Exactly what controls does the ICC have over interstate truck drivers and the hours which they may work at this time?

Mr. Cox. The Commission's duties as assigned in section 204 of the Interstate Commerce Act direct the Commission to establish both qualifications and maximum hours of service of employees of carriers whose duties affect safety of operation. The Commission established hours of service regulations which first became effective in 1939. They were substantially revised and strengthened in 1962.

Mr. DINGELL. Have you enforced these regulations in all instances? How do you enforce these regulations?

Mr. Cox. They are enforced very vigorously within the limits of our capability, personnelwise. There are several methods of enforcement, as Chairman Bush testified. One method used is when we find a man actually working in excess of the hours, we take him off the truck and put a notice on the truck that he is out of service until his duty and driving time permit him to resume driving. The most frequent method employed is to prosecute in the Federal courts under criminal informations both the carrier and, in many cases, the drivers themselves, particularly in event of falsification of their driver logs.

Another method we use with respect to common and contract carriers, if the hours of service matter becomes very bad, is to ask the Commission to consider these facts in connection with applications, either for temporary operating authority or for permanent certificates.

Mr. DINGELL. The Chair has been advised of the death of one of the Members of the House of Representatives was occasioned by a gypsy operator who had been on the highway in excess of 21 consecutive hours, in violation of the ICC maximum hours standards who also suffered from glaucoma in both eyes, who also had diabetes.

With reference to this matter, the Chair would like to know what action was taken and what action can be taken further to prevent this kind of thing. Do you have requirements as to the physical capacity and capability of drivers, the eye examinations and things of this kind?

Mr. BUSH. First, I repeat in a way what Mr. Cox said, within the limitations of our ability to catch up with it. It is very similar, in many cases you might say, to a certain corner where a number of people go through a red light or a changing light that once in a while the police are there and catch them. But we only manage to spot check some 50,000 or less than 50,000 of the one and a half to two million trucks that come under our jurisdiction with the personnel we have.

Sadly and unfortunately enough, that kind of a situation we have no knowledge of at all until the accident happens.

In that case we had no knowledge, and since we had not picked that man up in a road check, we would not have known, if he had made it home safe, even.

Mr. DINGELL. What happened in the case to which we have been referring? What action was taken?

Mr. Cox. Mr. Chairman, with respect to the owner and the driver of the tractor-trailer involved in the death of Congressman Thompson, the owner and driver being Norman C. Turner, a criminal information has been filed against him in Federal court in the Gastonia district of North Carolina.

Mr. DINGELL. That matter has not been closed as of this time?

Mr. Cox. No. At the time set for trial, which was last month, the court was informed that he had gone into a veterans' hospital and was unable to appear.

Mr. DINGELL. Have you ever sought additional authority for expanding your capacity for safety inspections and things of this kind?

Mr. BUSH. The capacity for it?

Mr. DINGELL. I mean the size of your staff and the amount of money so that you could increase the safety activities of your agency?

Mr. BUSH. Yes, sir; we certainly have. We have now, as I told you, a total of 94. I believe we asked for our program for 1965, 1966, and 1967 to add 88 more people. We did not ask for them all at once because it takes a considerable amount of training as you bring new people into this field.

We asked to spread that, with the 88 being about as many as we thought we could possibly get over the 3-year period. So far we haven't gotten any.

Mr. DINGELL. The former Chairman of the ICC testified before the House committee in 1962 that 58.8 per cent of the exempt carriers had four or more vehicle defects as compared with 28.7 for authorized carriers, and that 15 percent of the exempt operators were removed from service for serious defects as opposed to 10 percent for authorized carriers.

Are these figures substantially true today?

Mr. Cox. Sir, the most recent figures that we have show a marked trend of those figures to come closer together. The percentage of vehicles of common and contract carriers found in deficient condition are not markedly less numerous than those of private carriers of property. The rates for exempt carriers still is higher than the other two.

Mr. DINGELL. Would you submit to the committee the relative figures with regard to the different categories of carriers?

Mr. BUSH. Yes, sir.

(The information requested follows:)

The following data show the results of 25,784 inspections of property-carrying vehicles (single-unit trucks and combination vehicles) made during the first nine months of calendar year 1965. As in previous years, the vehicles made the subjects of these detailed inspections and recorded reports were those making the poorest showing in quick preliminary inspections. In the interest of devoting

major attention to vehicles most in need of it, inspections have been made on an increasingly selective basis.

Our tabulated data include information on 11,330 vehicles operated by carriers holding authority from this Commission. Of these, 4,148 (or 36.6 percent) had one or more units (tractor or trailer or both) ordered out-of-service until a seriously hazardous defect had been remedied; 3,871 (or 33.4 percent) of the authorized carrier vehicles had four or more equipment defects reported, and 139 (or 1.2 percent) had 10 or more equipment defects.

Of 10,616 vehicles of private carriers of property inspected, 3,018 (or 28.4 percent) has one or more units ordered out-of-service, 4,098 (or 38.6 percent) had four or more defects, and 175 (or 1.7 percent) had 10 or more defects.

Of 3,109 vehicles of carriers of exempt commodities, 1,202 (or 38.7 percent) had one or more units out-of-service, 1,444 (or 46.5 percent) had four or more defects, and 84 (or 2.7 percent) had 10 or more defects.

Mr. DINGELL. Would you tell the committee what steps you have taken to tighten down enforcement of those categories of carriers who do not measure up even to the standards shown by the regular commercial carriers?

Mr. BUSH. Do you want that answered now?

Mr. DINGELL. Do you have adequate legislation to handle the problem of the exempt or private carriers, the contract carriers?

Mr. Cox. Yes, we have adequate legislation. I think it is quite appropriate here, sir, to say that our enforcement with respect to private carriers, and our inspection of them, is on a higher level than common and contract carriers numerically.

Mr. DINGELL. Gentlemen, I would like to switch to another point, if I may.

You recently have come out with new placarding regulations with regard to the carriage of corrosive, flammable, and explosive substances. Am I correct?

Mr. BUSH. Yes.

Mr. DINGELL. How much high explosives could I carry on a truck if I were a carrier without having to placard to that effect?

Mr. Cox. With respect to high explosives, sir, you could carry none without placarding. Any quantity of explosives would require placarding.

Mr. DINGELL. Now with regard to corrosive substances and flammables?

Mr. Cox. Under existing regulations, any quantity of flammables or corrosives or gases would require placarding if transported in bulk. However, if transported in containers in a van-type vehicle, you would not be required to placard unless you had 2,500 pounds or more of one class or 5,000 pounds or more of more than one class.

Mr. DINGELL. Give me an example, if you please, of one class of the substances you are referring to.

Mr. Cox. For instance, alcohol, a flammable liquid, in 50-gallon drums, in a van-type trailer, would be placarded if you had 2,500 pounds or more, or 2,500 pounds or more of the acids in containers in a van-type trailer, or 2,500 or more pounds of insecticides in containers.

Mr. DINGELL. How about gasoline?

Mr. Cox. Gasoline in drums would be placarded if you had 2,500 pounds or more. The new regulation, as to all these items, brings the quantity down to 1,000 pounds from 2,500 pounds.

Mr. DINGELL. A member of the committee staff has just called to my attention a quote that appeared in your comments, Mr. Chairman,

before the U.S. Senate, the Committee on Government Operations, in connection with the establishment of a Department of Transportation.

You were queried as follows by the chairman of the committee: "Do you feel like the safety program now is very deficient?" And your answer was: "Very inadequate, yes."

Are those still your feelings with regard to your ability to carry out your responsibilities under law?

Mr. BUSH. Yes, sir. Again, just quickly citing the figures, we can't inspect more than 40-some thousand out of 2 million.

Mr. DINGELL. This is largely because of the budgetary difficulties you face?

Mr. BUSH. Yes, sir. Other than that, I think our people do a fine job. But, it is inadequate from that standpoint.

Mr. DINGELL. Have you ever heard of an organization known as the Vehicle Equipment Safety Commission?

Mr. BUSH. Yes, sir.

Mr. DINGELL. Have you had any contacts with that agency?

Mr. BUSH. I have not personally.

Mr. DINGELL. Have you found that they have accomplished anything on behalf of automotive safety?

Mr. Cox. They have developed and published certain standards for passenger car tires, but their activity is so relatively new, sir, that they have not yet accomplished anything beyond that. This does not mean in my judgment that they don't have the capability and possibility if given adequate support.

Mr. DINGELL. Those tire standards are not yet in effect, are they?

Mr. Cox. I think that is true, that they are not yet in effect. But they relate to passenger cars.

Mr. DINGELL. And not to trucks?

Mr. Cox. That is correct.

Mr. DINGELL. Gentlemen, the Chair is grateful to you for your presence before the committee today. It is always a pleasure to see you again.

With that, the committee will stand in recess for a brief period of time to answer a rollcall vote on the floor of the House.

(A recess was taken from 2:30 p.m. until 2:55 p.m.)

Mr. DINGELL. The committee will come to order.

The next witness will be Mr. Adolph Fram, of Pittsburgh, Pa.

Mr. MACKAY. Mr. Chairman, I want to welcome Mr. Fram before the committee, because he has evidenced two things: One a tremendous interest in what we are trying to do; and secondly, a long acquaintance with the motor vehicle and consequent accidents. He is particularly qualified to talk about a problem that has created great concern in my congressional district, and that is the hydroplaning of automobiles on a brand new expressway. We have had 42 accidents and 8 fatalities on one strip in one county. These have been associated with water standing on the road.

The only approach the highway department has taken so far is to talk about grooving the highway.

Mr. Fram has a different approach to it. I think what he has to tell us is of real importance.

Thank you, Mr. Chairman.

STATEMENT OF ADOLPH FRAM, PRESIDENT OF THE PEOPLES CAB
CO., PITTSBURGH, PA.

Mr. DINGELL. You may proceed.

Mr. FRAM. Thank you.

Mr. Chairman, Members of the House, I am Adolph Fram, president of the Peoples Cab Co. of Pittsburgh, Pa. I am also owner of the company.

I appear before you not to criticize for the sake of criticizing. We believe that our qualifications to testify have foundation and are historic in the area. We have had an experience with motor vehicles and operations of 17 years of severe-use fleet service which no doubt would require many decades of testing by any institution not related to such severe-use fleet exposure.

We have urged for many years the need to create a national traffic safety agency within the framework of a Cabinet-level office of transportation.

The function of this agency shall be the culling, evaluating, and disseminating of information to the public in an effort to reduce motor vehicle accidents, eliminate a percentage of them entirely, hence saving life, limb, and fortune.

The needless, mysterious, murderous, atrocities must end. It is incumbent upon us to initiate the most important issue to face the American people and its Congress in modern history. President Johnson, last week, revealed that more American servicemen are killed by motor vehicles in the United States than have been killed in Vietnam. I believe he said four times as many.

We must not leave to others or to our children the responsibility of performing this task. Statistics point to a 30 million motorist involvement in this year. That is this ensuing year. You are acquainted with the number killed and maimed each year. These figures are publicized and known by all.

With the ever-increasing percentages rising, at least one out of every three motorists will be involved in an auto accident this year. It is unfair to the public and our heirs to impose upon them the legacy of this growing, terrifying prospect.

We have witnessed countless accidents and have investigated thousands. It is true, undeniably, that auto and tire design and construction are woefully lacking.

In 1959 we purchased a fleet of 104 new vehicles. Within a short period of time these autos fell apart, literally disintegrated—79 rear axles sheared off; wheels rolled down the street; the vehicles collapsed. The drivers, passengers and the public were jeopardized.

Motor mounts shattered and the motor (engine) dropped unto the frame. This pulled the entire drive-line out of shape. The auto would grind to a halt. Five hundred and fifty such motor mounts shattered or cracked.

Headliners, inner lining of the roof, collapsed. Seat springs collapsed. Engines literally exploded. The metal was poor and thin, they could not be rebuilt and retained in service. Metal specifications did not meet the manufacturers own requirement. This auto manufacturer recently expired, but the damage inflicted lives on.

Is there a problem in auto design? Is there a problem in manufacture? The answer is unequivocally yes.

There have been charges at these hearings that the roads and drivers are chiefly responsible. A "heavyweight" witness stated that "75 percent of motorists' injuries were caused by car design." These percentages will dissipate when true causation is learned.

Design and manufacture are not the only problems. The spotlight here in Washington has been focused on the auto and tire people and the area of controversy has been so confined that the greatest danger to our national interest in these investigations has been completely overlooked.

We are talking about the small contact area which exists between the tires and the roadway. This "footpad" is just about the size of your two hands.

All of the designing, engineering, and manufacturing brains and skill of this Nation can add to naught if this area is ignored. Army tank construction, seat belts, harnesses, padded dashes, rollover bars, collapsible steering columns, recessed instruments, disk brakes, and any other additive will not remove the danger which kills and maims today, nor will it do so tomorrow, if the manufacturers and the public ignore or are unaware of these two tire-road contact danger areas.

Contact danger area No. 1 is hydroplaning—the mysterious phenomenon of the front wheels of any auto raising off the roadway beginning at approximately 37 miles per hour, when that roadway is rain soaked or snow-slushy, summer or winter, North or South. As the speed increases the front wheels leave the roadway entirely—now the auto is hydroplaning, just like a water skier.

Do the public, auto, and tire people know this? Do they know that when brakes are applied that the back wheels dig into the roadway and that the auto must reduce its speed from the state of hydroplaning suspension and sink back to the roadway before steering or braking capabilities are effected?

Can you imagine the helpless floundering of the auto, and can you coin-toss or guess in which direction the vehicle will head? Will it crash into the medial strip, if there is one, oncoming traffic, a bridge abutment, adjoining lane of traffic? Will the auto straighten out and will the driver and his passengers breathe with relief "that was close?" How much longer should the public remain in a stupor and complete ignorance of this terrifying situation?

Our "severe-use" fleet experience uncovered this monstrous mystery about 12 years ago on a rain-soaked Bigelow Boulevard in Pittsburgh.

The aircraft industry and the Armed Forces were plagued with this problem. They believed they "skidded on wet runways" when actually the aircraft was hydroplaning. The seriousness was apparent.

The National Aeronautics and Space Administration (NASA) tackled the problem. Their experiences and tests were astounding. They discovered that aircraft, including the giants, were suspended on a tough film of water and this enormous weight was actually hydroplaning in landing on wet runways.

I might add that last year three aircraft in New York within a 9-hour period hydroplaned off the runway. One, a National plane

coming from Puerto Rico, hydroplaned completely off the runway into a marsh and broke in half with 150 passengers aboard. The pilot did not know he was hydroplaning.

Walter B. Horne and Upshar T. Joyner, aeronautical research scientists, of NASA, Langley Research Center, delivered a paper to the Society of Automotive Engineers (SAE 970C) on "Pneumatic Tire Hydroplaning and Some Effects on Vehicle Performance." A copy is available here for your perusal and study.

Hydroplaning is real. It is not theory or speculation. Coincidentally, while this paper was being presented in Detroit, we were testifying before the Federal Trade Commission here in Washington on the matter of tires on the same day, January 15, 1965, and a main portion of our presentation was relative to the same and identical—tire hydroplaning.

We were not acquainted with these scientists at NASA. Last month, April 6, 1966, we corresponded. Upshar Joyner heard our story and related it to his own experiences. He seemed impressed. He said he would come see us.

Wednesday, April 20, Upshar Joyner visited us at our Peoples Cab Terminal in Pittsburgh. It was a memorable day for us. Our "way out" themes and experiences were confirmed.

We wish that the American public could have listened in on this heart-rendering analysis. An unknown, hideous monster responsible for unrecorded, incalculable tragedy was laid bare.

We discussed danger area No. 2.

The spacing between the ribs or treads of tires are known as gutters or channels and wash away the water from the roadway surface. This "drying process" is required and absolutely necessary to permit an auto to stop in a straight line with the vehicle under full driver control.

If there is a variance of tread depth in each of the four tires the washing away of water and the drying are not equivalent nor simultaneous, hence the auto will "pivot" around the tire with the most effective drying capability.

There are no statistics to indicate the havoc results here.

How many Americans know this?

Here is another case of mass poisoning:

So-called safety experts have discovered that heat generated by tires on dry roadway at high speeds are injurious to the tires and "many things happen." Hence, if it is raining or the roadway is wet the rubber tire remains relatively cool, therefore it is reason that the motorist can really speed down the pike. This poisonous theory sows the seeds of its own destruction. The rubber tire remains cooler, but it is not on terra firma; it is hydroplaning.

The motoring public must halt. Stop. This information must be made available without delay. We are a party to unconscionable tragedy if we do not act now.

Congressman James A. Mackay, in his address to the House on February 3, 1966, hit the nail squarely on the head. He spoke of "causation of accidents." Everyone knows the results of accidents. But how are they caused?

NASA in the SAE paper talks of the viscous fluid separating the tire tread from the roadway. If this fluid, water, et cetera, isn't prop-

erly dispersed, accidents are caused. Water acts as lubricant, the same as oil placed on metal parts to prevent the parts from rubbing against each other.

Here, therefore, is a prime example of two institutions in different leagues, possibly unknown to each other, but who can set forth clarity and understanding in an area so vital to each other and to the Nation.

Another important American institution remains "stepchild." There is no doubt that in certain auto negligence cases that the cause of justice is seriously impaired when these two danger areas remain mysterious and unknown.

We believe we have made the point. Auto design is a problem, but not the true causation of the overwhelming toll of highway accidents.

We have stumbled upon and uncovered a menace. We have also developed a cure. A program of illustration to condition the driver, and a physical application to tires, to speed the puncture of the viscous fluid and hold the vehicle under control, used by us in our Pittsburgh terminal, have reduced our accident frequency. I might add by 80 percent. Truck and various fleets also sing the praises of this program.

East Texas Motor Freight, Dallas, Tex., received a \$104,000 refund from their insurance company on their insurance premium because of the method that I speak of.

We strenuously urge the creation of a National Traffic Safety Agency. It will cull, evaluate, and disseminate such vital information and gain the experience of others, particularly "severe-use" fleet operators.

Our Congress is faced with an unprecedented issue and it must resolve to act without delay to eliminate and reduce to the irreducible the carnage on the American road.

We know it will be done. The people seek it. We pray that the Congress responds affirmatively and without delay.

Mr. DINGELL. Thank you, Mr. Fram, for a fine statement.

Are there any questions of Mr. Fram by any members of the committee?

Mr. MACKAY. Thank you, Mr. Chairman.

I would like to thank Mr. Fram again.

I believe you have that report that you say will be available for the files of the committee from NASA?

Mr. FRAM. Yes; I have that.

Mr. MACKAY. Can you leave that for the files of the committee?

Mr. FRAM. Yes.

Incidentally, if I may, I would like to make comment on Governor Romney's statement this morning. We said "more safety items and suggestions come from our suppliers." I have been in the business which buys from suppliers and buys from Mr. Romney and his associates for the past 17 years. I don't know whether Mr. Romney knows that many of these suppliers obtain their safety ideas from us, from fleet operators. There is a chain.

He also said, and I would like to comment about this, "the safety organizations throughout the country will dissipate once Congress becomes the central function." I believe that the work will intensify. The instructors will be better informed and the teaching will have standards. Slogans and posters haven't done it. "Drive Carefully,"

what does that mean? "Drive Defensively," what does that mean? Maybe with this agency we will find out.

Mr. MACKAY. I have been very much interested in the relationship along with Mr. Farnsley, between good lighting and safety. Would you have any comment to make about the relationship between effective lighting and traffic accidents?

Mr. FRAM. Yes, indeed. It has a great deal to do with traffic accidents. I think lights should be used just as soon as dusk appears, and not wait for darkness. I think not only should proper lights be used, but they should be beamed properly and directed properly. Fleet operators, most fleet operators, have a preventive maintenance program, and every month to 6 weeks we bring our cabs into the garage for that specific purpose, of aiming our lights.

Mr. MACKEY. Thank you.

No further questions, Mr. Chairman.

Mr. DINGELL. Mr. Fram, the committee is indeed grateful to you for a very fine statement today. Thank you very much for your presence.

Mr. FRAM. Thank you.

Mr. DINGELL. Our next witness is Commissioner Robert W. Rhodes, of New Hampshire.

The Chair is happy to recognize you, Mr. Rhodes. You have a very distinguished member on the committee from your State who I am sure would like to introduce you.

Mr. HUOT. Thank you, Mr. Chairman.

I am delighted to introduce to you and the members of the committee Commissioner Rhodes, of the Department of Safety of New Hampshire, who is here today representing Gov. John W. King.

The State of New Hampshire has pioneered in much legislation which has been talked about during these hearings. I will not attempt to go into any of them as I am sure the commissioner will cover them. I am delighted to welcome him here today. I am sure his report will be interesting to the members of the committee as well as the audience.

Commissioner Rhodes?

STATEMENT OF HON. ROBERT W. RHODES, COMMISSIONER, DEPARTMENT OF SAFETY, STATE OF NEW HAMPSHIRE

Mr. RHODES. Thank you, Mr. Chairman.

Mr. DINGELL. The Chair feels compelled to say that we are indeed proud of your fine Congressman on the committee from the State of New Hampshire. He very ably serves on the committee.

Mr. RHODES. Thank you. We are proud to have him there.

Mr. DINGELL. You may proceed with your statement.

Mr. RHODES. Mr. Chairman and members of the committee, my name is Robert W. Rhodes. I am commissioner of the department of safety for the State of New Hampshire. The department of safety is made up of three divisions—division of motor vehicles, division of State police, and division of safety services. My office is at the new State office building, Concord, N.H., and I am here today in a dual role, first to represent John W. King, Governor of New Hampshire, and also in my capacity as commissioner of safety.

We at the State level heartily endorse this new interest on the part of the President and Congress in highway safety. In the Granite State we are convinced that the new interest in traffic safety on the part of the President and the Congress will lead to more effective programs of traffic accident prevention.

As the distinguished members of this committee know, the States long have engaged in efforts to bring constant improvement to the safety picture. Personally, I feel that these efforts have met with a large measure of success, particularly during the past 25 years, as the fatality rates per 100 million miles of travel have been cut from 12 in 1941 to 5.6 last year, 1965, while the number of vehicles, drivers, and miles driven has multiplied several times.

Consider, if you will, that the number of fatalities last year would have been more than 100,000 if these gains had not been made. Unfortunately, despite accomplishing these reductions, the "law of diminishing returns" does exist, and to make further improvement, our efforts must be doubled and redoubled.

While the States bear the primary responsibility for traffic safety promotion, it is the duty of every level of government, every public and private organization, and every citizens, to contribute what they can toward better solutions to this problem.

Increased Federal participation in the traffic safety field is long overdue, and we firmly believe that provisions in the proposed legislation, which will increase aid to the States in order that they may do a better and more effective job in traffic safety, will bear substantial returns.

The experience of our State of New Hampshire with regard to increases in automobile fatalities and accidents in recent years has been similar to that of many others. For example, in 1961 we had 100 automobile fatalities; in 1962 it increased to 111; in 1963, 142 deaths at the rate of 4.4 persons killed for every 100 million miles traveled; and in 1964 the figure soared to 158 deaths at the rate of 4.7 persons killed per 100 million miles of motor vehicle travel.

Obviously, something had to be done to arrest this upward trend of carnage on our highways. Therefore, in the summer of 1964, Gov. John W. King appointed a Governor's traffic safety committee made up of 15 individuals who were leaders in the field of highway safety in our State. These included representatives of the department of safety, heads of statewide organizations concerned with the problem, and individual citizens knowledgeable in the field.

The committee immediately set to work analyzing the highway accident problem in New Hampshire to try to determine where the greatest weaknesses existed and what approach we should use in solving the problem. After considerable deliberation, a line of attack was developed. Since the State legislature would be meeting in 1965, it was recommended that this be presented to the legislature as a highway safety legislative program. Gov. John W. King gave endorsement to the program and presented it in a special message to our legislature, outlining the various points it contained.

We were favored with a very safety conscious legislature in 1965 and succeeded in obtaining many measures which we felt were vital to the motor vehicle law enforcement and to traffic safety. This was

reflected by our Democratic Governor, John W. King, and our Republican State senate and house of representatives in their joint actions to bring the State of New Hampshire into closer conformity to the recommendations of the uniform vehicle code and with those of the American Association of Motor Vehicle Administrators.

I might add that Governor King is a Democratic Governor and our legislature is a Republican legislature. Therefore, we were able to accomplish the following.

After a review of a number of these laws, you will note that among them are some that are considered somewhat controversial and have been pigeonholed by many States for future action. This was not the thinking in New Hampshire, and for this reason I do not hesitate to state that with the leadership of Gov. John W. King, several objectives were accomplished. These included:

1. The establishment of a permanent traffic safety commission with a \$25,000-a-year appropriation: This made possible the employment of an executive director and the initiation of a public support program patterned after that recommended in the President's highway safety action program.

2. Implied consent law: Our analysis of the causes of automobile accidents, particularly fatalities, showed that in a majority of cases excessive use of liquor was at the root of the problem. Four previous legislatures had considered such legislation, but had not enacted it into law. However, based on the recommendations of the traffic safety commission, the legislation was adopted and is now in effect.

3. Realistic or absolute speed law: It had been years since our State had attempted any modernization of its speed control laws. Observation of posted speed limits were and still are not realistic. This resulted in disrespect for the law. Based upon the recommendations of our commission, which in turn were taken from the uniform vehicle code, our legislature enacted a new speed control law.

Among other things, it provides for the establishment of realistic speed limits following a joint survey of our highways by our State highway department and our department of safety. When this survey is completed within the next 2 years, necessary new speed limits will be posted and our enforcement officers will see that they are observed by motorists.

4. Driver education: This legislation required that no person under the age of 18 years may be licensed in the State of New Hampshire until such time as he has completed a course of instruction either in a high school or through a private, licensed instructor. The law also requires that private schools provide classroom training and that all instruction meets with the standards of the curriculum established by the commissioner of safety and the commissioner of education.

5. Minor possessing or drinking intoxicating beverages: This legislation allows for a 90-day suspension of license for any person under the age of 21 who is found to be in possession or drinking alcoholic beverages. Alcoholic beverages can only be transported if the parents or legal guardian are in the car with the youth. It further provides for a 90-day-period suspension where it is found the operator under 21 shows 0.05 percent alcohol in his blood.

The New Hampshire Department of Safety, Division of Safety Services, has undergone a major "belt tightening" in its driver licens-

ing program. Several new programs have been implemented during the past 2 years which have produced highly satisfactory results.

The main purpose of this effort was to place more emphasis on the improvement of driver attitude and general qualification for motor vehicle operation. This included special attention to the basic requirements such as applicant's knowledge of motor vehicle laws and improved procedures for road testing.

Numerous administrative changes have been put into effect which provide for greater control over license issue to assure that only those who meet the strictest requirements are issued licenses to operate in this State. Full use of the one-license concept and the interchange of information with other States has been helpful in eliminating those who attempt to obtain licenses by false statements. This we consider is a must if we are to assure ourselves that new drivers in New Hampshire do not hold previous conviction records for which they are under revocation or suspension in another State.

In addition to the programs of the Governor's traffic safety commission, it was recommended to the 1965 legislature for authorization and financial support for the increase of personnel within the uniformed branch of the division of State police. It was also recommended the establishment of an auxiliary State police force which could be called into action to supplement the regular State police, particularly during summer and holiday weekends when the traffic is particularly heavy. Both of these recommendations were approved by our legislature.

Meantime, legislative authorization had been given in two previous sessions and continued in the 1965 session for a special interim committee on uniform traffic laws and ordinances. This consisted of representatives of the senate and house and five citizens appointed by the Governor. The committee made a comparison of our State's motor vehicle laws and comparable sections of the motor vehicle code and followed up these comparisons by recommending legislation needed to bring our State's traffic laws into substantial conformity with the Uniform Vehicle Code.

As a result, during the past 4 years, legislation has been enacted in our State bringing our laws into conformity with the following sections of the code:

Rules of the road and driver licensing: The latter includes the reexamination of drivers of 75 years of age or older. The committee authorized by the last legislature are currently completing the job of comparison of our laws and code. It is anticipated that this committee will recommend to the next legislature legislation pertaining to other sections of the Uniform Vehicle Code.

We have some most startling statistics over the past 3 years in the Granite State, and that is of the single-car fatal accidents. In 1963 there were 120 fatal accidents. Of these fatal accidents, 100 were single-car crashes, or 82 percent. In 1965 there were 138 fatal accidents and 95 were single-car accidents, or 68 percent. In 1965 there were 132 fatal accidents with 98 being single-car mishaps, or 74 percent. Thus far in 1966 we have had 31 fatal accidents, 23 being single-car accidents, or 74 percent.

The judge, law enforcement, news media, or other programs all have their place in traffic safety. But until we realize, you and me, the

individual driver, that we can be either the killer or the savior on our highways, we will never solve our problem with the operation of the motor vehicle.

We are all aware there is a definite reason for every highway fatality and at this time in New Hampshire a highway fatality investigation school is being conducted for members of the division of State police under the direction of Dr. Alfred Mosely of the Trauma Research Corp., of Cambridge, Mass.

The Department of Public Works and Highways in New Hampshire has placed particular emphasis on the improvement of our highways. The Granite State now stands fifth among the States in the percentage of completed miles of the Interstate System opened to traffic. Also, our State highway department has been working closely with the department of safety in the improvement of highway locations known to constitute traffic hazards.

Following the same approach, we are giving much attention to the safety of the vehicle itself through our periodic motor vehicle inspection program. This biennial inspection program has been in effect for many years. Recently it has been up-dated.

I would like to submit for your study a copy of our new inspection manual, issued last year, which gives specific instructions to over 1,300 privately owned, State-authorized inspection stations on how to do a thorough job of inspecting the vehicle. We work very closely with the inspection stations in this activity, including the conducting of training schools for inspectors and checking of the inspection establishments themselves.

I could go on telling you more about our highway safety activities in New Hampshire, but time does not permit. We like to feel, however, that our activities had a part in the reduction of automobile fatalities from 158 in 1964 to 146 deaths in 1965, or a reduction in the number of persons killed per 100 million miles from 4.7 in 1964 to 4.0 in 1965.

We feel that a still greater reduction could be brought about if additional funds and assistance were available. That is why we are particularly pleased to endorse increased Federal participation in the traffic field as it provides for additional research by the Federal Government on the causes of automobile accidents and for support of stepped-up highway safety programs in the States. We feel in our State that with this additional help we could increase our activity in several fields, such as the following:

1. Studies of accidents: While we have made many studies of the causes of accidents, we know that much more needs to be done, particularly as it relates to the driver and one-car fatal accidents.

2. Accident reporting: We need to improve our accident reporting system so that we can prepare better case histories of our problem drivers.

3. Review of overall safety establishment: A study of the interrelationship of highway safety activities of our several State departments and local subdivisions of government might point out where additional improvements are needed.

4. Review of court procedures: Obviously, enforcement of traffic laws will be effective only if our law enforcement is backed up by our

courts. More attention to the handling of traffic cases in our courts along with a review of our penalties systems would be more helpful.

5. Stepped-up program of public education: This is a part of the program which could go forward with great effectiveness if it were not for the limitation of funds. Federal assistance in this area would be welcome. Additional Federal funds would make possible more driver education courses in our schools; the carrying out of intensive public educational programs of highway safety with newspapers, radio, television, handouts at strategic points along our highway systems, such toll stations and safety exhibits at public gatherings, such as fairs.

Earlier I mentioned the work which our division of safety services is doing with the inspection of vehicles. We feel that it is important to inspect all cars in use, as well as those that are sold for the first time. After all, there are about eight or nine times as many used cars on the road as there are new automobiles. Over the many years that our State has been involved in the inspection program, it has been necessary for us to establish certain standards of performance. This is true of many other States with similar inspection programs.

Since there are specialists in our motor vehicle division in this particular activity, we feel that they could be of great assistance to the Secretary of Commerce in your administration of title I of the bill Congress is currently considering.

In the final analysis, the Secretary of Commerce will have to rely on the States to enforce the safety standards which you may prescribe for new motor vehicles. We feel that the Secretary will want the initial participation of the States in arriving at the standards. We subscribe, therefore, to the suggestion that the Vehicle Equipment Safety Commission, already in existence, and of which New Hampshire is a member, should be brought into title I in at least an advisory manner.

Arrangements could be made whereby the Vehicle Equipment Safety Commission could suggest to the Secretary of Commerce which standards it feels should be adopted. The Secretary could or could not adopt these standards as he desires. We feel this is important if the true objectives set forth in title I are to be attained.

We also feel that title I should be amended so that the States will be permitted to adopt safety standards as prescribed by the Federal Government for other than new vehicles. This would conform with New Hampshire's vehicle inspection program.

In closing, may I reiterate our support of the legislation now before you. We feel that this should enhance a Federal-State partnership in the solution of the highway accident problem. We submit to you that the program can be successful only if the States are permitted to participate in the program all the way, including recommending safety standards for motor vehicles.

Thank you for the opportunity of appearing before you today and for the opportunity to present our views on the need for Federal-State cooperation for greater traffic safety.

Mr. DINGELL. The Chair is very grateful to you for your statement and your kindness in appearing today.

Are there any questions from members of the committee?

Mr. YOUNGER. It has been a very fine statement that has been presented by the commissioner.

Mr. MACKAY. I would like to compliment you on what I consider to be a superb discussion of the traffic safety problem, particularly the role of the State.

Earlier testimony, I thought was a little hysterical. Many of us come out of State legislatures, and want to see the State role strengthened. It is my judgment that the reason States have not been able to be more effective has been the absence of Federal leadership. I consider this testimony that you have brought to be extremely helpful.

I want to compliment your State for focusing on the safety function in the State government. Most of the States have a horse-and-buggy arrangement where there is no coordination such as you have here between the State police and other divisions. I would be interested in seeing the law on that.

Was your department of safety created by administrative act or by law?

Mr. RHODES. By law, sir, back in 1962.

Mr. MACKAY. If you would be kind enough to furnish us a copy of that law, I think it might be helpful to other States.

Thank you very much.

Mr. RHODES. Thank you.

Mr. DINGELL. Mr. Huot.

Mr. HUOT. I would like to thank our commissioner for appearing today and to congratulate him for the fine statement he has made.

The commissioner was a vital part in the ability of the State to be able to present this legislation and pass it in our legislature. I congratulate him and thank him for being here today.

Mr. RHODES. Thank you again.

Mr. DINGELL. Commissioner, do you feel that the compulsory inspection of motor vehicles on an annual basis is an essential part of the automotive safety program of the State?

Mr. RHODES. Not on an annual basis. I feel it should be every 6 months.

Mr. DINGELL. Do you think a State could have an adequate program of motor vehicle safety without having such an inspection program?

Mr. RHODES. No, sir; I don't.

Mr. DINGELL. Commissioner, thank you very much for your testimony.

Mr. RHODES. Thank you.

Mr. DINGELL. Our next witness will be Mr. Ehrman, president of Surveys & Research Corp., of Washington, D.C.

STATEMENT OF LIBERT EHRMAN, PRESIDENT, SURVEYS & RESEARCH CORP., WASHINGTON, D.C.

Mr. DINGELL. The committee is happy to welcome you, Mr. Ehrman, for whatever statement you wish to make.

Mr. EHRMAN. Mr. Chairman and members of the committee, I would like to thank you for the invitation to appear before your committee.

My name is Libert Ehrman and I am president of Surveys & Research Corp., a Washington consulting firm.

My experience specifically includes service in the Air Force Office of Flying Safety during World War II; I was Chief, Safety Analysis of the Civil Aeronautics Administration (now FAA); some years ago I carried out an evaluation of the crash injury research project of Cornell University; and I have directed safety projects for the Bureau of Public Roads.

Your hearings and those in the Senate have helped to reveal the broad concern of the American public, industry, and the Government in problems of highway safety.

Often in the hearings before this body questions have been raised as to the availability of data, of reliable statistics on various aspects of the accident problem. As one who has worked actively in this field, I am forced to express the judgment that there is no problem that affects American life to an equal extent about which so little exact information is known.

The Bureau of Public Roads which has itself undertaken numerous safety studies, took the initiative last year in sponsoring development of a plan to improve accident data for the Nation as a whole.

Surveys & Research Corp., because of the specialized experience of its personnel, was selected to carry out this project. I am pleased to make a copy of our report available to the committee for the record of these hearings.

Its title is "A National Highway Accident Record Center."

Mr. DINGELL. The committee will receive that for review by the staff to ascertain whether it should be placed into the record in view of space limitations and other points.

Mr. EHRMAN. Thank you, Mr. Chairman.

We are convinced that only the Federal Government can undertake development of better highway accident statistics. Indeed, it has a responsibility to all Americans to do so.

We propose a joint effort between the Federal and State Governments. The Federal Government would develop the system of classification and required methods for collecting information.

In Washington, the data obtained from the States would be handled by computer methods, would be analyzed and made available to the States, safety organizations, manufacturers, other Federal agencies, the Congress, the press, and the general public.

On the subject of methods, allow me to say we would be developing such specific information as the number of accidents, for example, in which drivers made a left turn at an intersection in the path of a vehicle or pedestrian entering from the opposite direction; drivers drove cars with defective brakes; drivers drove while sleepy or fatigued; roads had no interchange, signal on traffic separation at a busy intersection; cars had steering or steering system troubles and the like. These are merely illustrations of the hundreds of categories of information we would obtain.

When we have these data in hand all of us will be able to plan safety activities much more intelligently. We will know what types of accidents are most frequent, what contributing factors predominate.

In short, I would expect that, having overcome the information gap, we will be able for the first time to plan and carry out a safety pro-

gram, whether it concern the driver, the vehicle, or the highway, on the basis of well-founded statistics.

Highway accidents are a mass problem, not one we can handle by attention to a few hundred at a time—important though they may be in and of themselves. Only by developing and using large-scale data will we be able to attack the safety problem so that we can in the future prevent accidents that annually damage millions of vehicles and injure, maim, or kill more than 1,750,000 Americans every year.

Thank you, Mr. Chairman.

Mr. DINGELL. Thank you very much, Mr. Ehrman.

Are there any questions?

Mr. YOUNGER. I would like to comment on one of the points that was raised by many of the witnesses, and that is getting the data on which to legislate.

Unless you know something about what causes the accidents, it is pretty hard to set standards or to legislate in this field. I am glad you have emphasized that point.

Mr. DINGELL. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. Ehrman, I think your assertion that there is no problem that affects American life to an equal extent about which so little exact information is known is one of the gems in this whole hearing. This is certainly the way I feel about it.

In the course of these hearings questions have been raised to the effect that accident reports may not contain enough information to make it possible to ascertain the circumstances and facts involved in accidents. What is your view?

Mr. EHRMAN. My view is this: Although all of us would like to have the maximum amount of information available for safety research, it is clear to me, having examined accident reports at the State level, that much more information is contained in those reports, either by way of one- or two-sentence descriptions, or by way of a combination of descriptions, diagrams, and the like, than we have ever used for purposes of compilation of information and analysis of data.

Mr. MACKAY. In other words, without elaborating on the existing forms, you feel that we could learn a great deal from the present forms?

Mr. EHRMAN. Very much so.

Mr. MACKAY. But they are not uniform, are they?

Mr. EHRMAN. No, sir; they are not.

Mr. MACKAY. In the same way, it has been said that accident investigation is not adequate to provide needed accident information. What is your view?

Mr. EHRMAN. I think accident investigation can, of course, be greatly improved. However, we must face the fact that accidents are a widespread problem, and that the training of investigators is a very costly business.

We have supported in this country specialized accident investigating teams made up of highly competent professionals in a variety of fields, who have carried out investigations of accidents.

I think that we will never have a situation in which all accidents could be investigated by such highly qualified teams. We simply do not have the manpower.

However, through support of these specialized efforts, techniques for investigation and leads as to the kinds of things that should be reported in more routine—I shouldn't say routine but more regular, more normal—kinds of investigation can be given, and to that extent we can gradually improve accident investigation in the United States as it is carried out in the local situation.

Mr. MACKAY. Are you familiar with the role and function of the computer?

Mr. EHRMAN. I certainly am.

Mr. MACKAY. Do you think there is a role that the computer ought to play? For instance, do you know if a computer is used now in the analysis of traffic accidents anywhere in this country?

Mr. EHRMAN. It is used to a limited extent in point of fact by the National Safety Council. However, the problem is not so much with the equipment used for processing data as it is with the system used for classifying the information.

An earlier witness said, for example, something about the kinds of safety campaigns which asked drivers to be more careful, to drive defensively and the like. Classification of accident factors into categories such as carelessness do not help us very much.

What we need is a detailed system which will indentify categories such as those I gave illustrations of earlier that are actually reported in accidents and then accumulate them, large scale, in a computer. Then we can evaluate them and manipulate the data so as to determine their significance and meaning.

Mr. MACKAY. Do you think we need to strengthen either the administration bill or the agency bill?

Mr. EHRMAN. Yes, I do, Mr. Mackay. I think in the area of accident data we need to spell out, with a sentence or two of legislation, the character of the work to be done to provide the types of data that we have been discussing here.

Mr. MACKAY. When did the Bureau of Public Roads ask you to make this report?

Mr. EHRMAN. I believe our contract was dated in June of last year.

Mr. MACKAY. The administration has not presented the first witness yet who could really cost out this bill. We have had some conclusions stated.

Have you made any study as to the cost of gathering what you consider to be the essential data?

Mr. EHRMAN. We have a preliminary estimate which is in the order of \$10 million a year for the collection of data. This would include a program for joint efforts by the States and the Federal Government. Our estimate is on the order of \$1 per reported accident, to simplify the arithmetic.

Mr. MACKAY. I have been interested inasmuch as there is a 1,500,000 discrepancy in the number of injuries of last year. Do you have any idea how many injuries there were from traffic accidents last year?

Mr. EHRMAN. No, sir; I do not. I don't believe anyone has the exact information because of differences in definition and reporting among various organizations. Establishment of standards by a national highway accident center would help to overcome this problem in the future.

Mr. MACKAY. Thank you.

I have no further questions, Mr. Chairman.

Mr. DINGELL. The Chair notes that the House is now entering the 5-minute rule for consideration and amendment of legislation. Under the Rules of the House, it is no longer possible for the committee to sit. The Chair has discussed the matter with the staff. It is the wish of the chairman of the committee that at this point we recess until 10 o'clock tomorrow morning.

Any witness the committee has not been able to hear today should contact our clerk about the possibility of being rescheduled at another time. The Chair wishes to express apologies of the committee to those persons who were not able to appear today.

Mr. Ehrman, thank you very much for your appearance today and the information you have given the committee today.

The Chair will now stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 3:45 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, May 11, 1966.)

TRAFFIC SAFETY

WEDNESDAY, MAY 11, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to recess, in room 2123, Rayburn House Office Building, Hon. Samuel Friedel presiding.

Mr. FRIEDEL. The committee will come to order.

This is a continuation of the traffic safety hearings. Our first witness will be Dr. Philip R. Lee, Assistant Secretary of the Department of Health, Education, and Welfare, accompanied by Dr. Paul V. Joliet, Chief, Division of Accident Prevention, Bureau of State Services, Department of Health, Education, and Welfare.

STATEMENT OF DR. PHILIP R. LEE, ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY DR. PAUL V. JOLIET, CHIEF, DIVISION OF ACCIDENT PREVENTION, BUREAU OF STATE SERVICES; AND DR. ERNEST M. ALLEN, GRANTS POLICY OFFICER, U.S. PUBLIC HEALTH SERVICE

Dr. LEE. Mr. Chairman, I have with me today Dr. Joliet, on my right, Chief of the Division of Accident Prevention; and Dr. Ernest Allen, the grants policy officer for the Public Health Service, on my left.

I will make a statement and then all of us will be prepared to answer questions. There will only be one statement from the Department.

Mr. FRIEDEL. You may proceed as you wish.

Dr. LEE. I appreciate the opportunity to be here today to express the full support of the Department of Health, Education, and Welfare for H.R. 13228, the Traffic Safety Act of 1966, introduced by the distinguished chairman of this committee.

A number of other bills on highway and traffic safety have been introduced during the 89th Congress. We believe that all of these bills support traffic safety objectives similar to those endorsed by the administration under the provisions of H.R. 13228.

In his message to Congress on the proposed Department of Transportation, President Johnson emphasized the weakness of our present highway safety program. The Traffic Safety Act of 1966, H.R. 13228, would be a major step forward in correcting the deficiencies described by the President by providing for the development of a Federal-State-

local program which includes a major expansion of research efforts, coordinated at the Federal level by the Secretary of Transportation.

We share the concern of the members of this committee for the rising toll of death and injuries resulting from motor vehicle accidents. Traffic accidents constitute one of the most important public health problems in this Nation today. Although refined statistics and related data are lacking, we do know some of the general facts:

An estimated 90 million people are licensed to drive automobiles and during any one year virtually the entire population is at risk, either as drivers, passengers, or pedestrians.

Approximately 3.5 million people are injured each year in motor vehicle accidents; 90 percent require medical attention and almost 25 percent are hospitalized.

The number of people killed in auto accidents each year is now approaching 50,000.

There are 100,000 people who are to some degree permanently impaired every year in auto accidents. The number so handicapped in this country now exceeds 1.5 million.

Traffic accidents are part of a larger problems of accidents generally, which becomes increasingly important as we industrialize, as we urbanize, as we advance economically, and as we are able, through advances in medical science and public health, to control, prevent, or eliminate the infectious diseases that have been the killers and cripples in years past.

Traffic accidents are a public health problem, not only because of the statistics on mortality, morbidity, and disability, but because the same principles which have been so successfully applied to infectious diseases can be applied to accidents.

The systematic study of the host, the agent, and the environment, through research, epidemiology, and other approaches has produced the great advances in the control of infectious diseases. Similar techniques have been shown both theoretically and practically to be applicable to the study of the cause of accidents.

The Department of Health, Education, and Welfare is the primary Federal department concerned with the public health aspects of accident prevention. It has supported pioneering work in this field. In the field of motor vehicle injury, we are concerned not only with the development of relevant health statistics and studies of the causes of accidents and injuries, but with a number of other factors related to injury prevention and control, with the proper diagnosis and treatment of the injured, and with good emergency medical care for accident victims.

We are concerned with the human elements which must be considered in the safety engineering of vehicles, roads, and traffic controls; in the establishment of medical criteria for drivers and the screening of individuals in relation to these criteria; in the man-machine relationship in traffic; and in the effects of alcohol, drugs, fatigue, and other factors on human behavior in relation to traffic injuries.

The interrelationships of crash injury and other public health problems are often complex, requiring action across a broad front. For example, alcohol has emerged as a major contributing factor in fatal

accidents involving both pedestrians and vehicle occupants. We are, in the Department, developing a major program in that area of alcoholism research, prevention, control, and treatment. A center for alcoholism studies has been established in the Public Health Service, and programs are being expanded in other operating agencies.

Our objective in the accident and crash injury field is the prevention of injury and death. Clearly, these are public health responsibilities.

Public health approaches cannot alone solve the problems we face. There are many problems in safety design engineering, in the development of safe highways, improved traffic control systems, and safety performance standards that require a number of disciplines and the coordinated, effective mobilization of resources. Many agencies of government at the Federal, State, and local level, as well as industry, universities, professional groups, and the public must work effectively together. This is not a simple nor an easy task. It requires the ablest leadership this country can produce.

It is the clear intention of H.R. 13228 that there will be a Government-wide effort coordinated by the Secretary of Transportation to reduce the toll of deaths and injuries on the highways. The experience and resources of the Department of Health, Education, and Welfare would be utilized fully in this effort.

For example, under the new section 403, which the bill would add to title XXIII of the United States Code, the Secretary of Transportation would be specifically authorized to use other Federal departments and agencies in highway safety research and development. Many research activities within the Public Health Service would be used in support of the coordinated effort.

Title I of H.R. 13228 would give the Secretary of Transportation authority to investigate and test the relationship between vehicular performance and accidents, and to develop safety performance criteria for motor vehicles and their components. In order to accomplish this aim, more research is clearly needed. Section 104 of title I authorizes the Secretary of Transportation, in cooperation with other departments and agencies, to undertake appropriate research related to motor vehicle safety and motor vehicles safety standards.

The Public Health Service has supported research in accident prevention for approximately 10 years. Many valuable contributions related to motor vehicle safety and motor vehicle safety standards have resulted from this research. For example, in studies demonstrating the high mortality associated with ejection from the automobiles involved in accidents seat belts, when used properly by the occupants, were found to achieve substantial reductions in fatalities.

The Public Health Service has contributed significantly to research on the so-called "second collision." These studies relate the structural and other characteristics of motor vehicles to the injuries sustained by individuals involved in accidents.

Research of this type has contributed to the safety standards adopted by the General Services Administration and the adoption by automobile manufacturers of energy-absorbing materials in car interiors, windshield glass less likely to fragment, and seat belts.

We are all only too painfully aware of the fact that, in relation to the magnitude of the problems posed by motor vehicle deaths and in-

juries, the total research effort—both public and private—has been grossly insufficient.

The Department of Health, Education, and Welfare welcomes the opportunity for collaborative studies proposed in section 104(d). We would participate in the research investigations, in the gathering of information, and in the dissemination of information to the maximum extent feasible.

In the past there has been some controversy over the role and the responsibilities of the Department of Health, Education, and Welfare, and the Public Health Service, in the gathering and dissemination of information related to accident investigations supported by research grants.

It is important in this regard to differentiate between research done by an independent investigator with funds granted to him or his institution, and research which is carried out directly by the Public Health Service, either intramurally or through contracts. The data and the results of data analysis are the property of the service, and are available to the public when this type of research is done.

In the case of grant-supported research, we regard the data and results as the property of the investigator. The terminal reports required by the Public Health Service and/or the published scientific papers on the projects are available to the public. If the results are to be published, the contents of the terminal report are held as restricted information for a period of 6 months unless the author, the principal investigator, and the grantee institution agree to an earlier release.

As I indicated in my testimony before the Senate Commerce Committee, we do not believe that the project grant mechanism, which works so well for most of the 20,000 biomedical research projects currently supported by the Public Health Service, is the mechanism best suited for all of the research required for accident studies.

For example, under present policies, no research grants are made to profitmaking institutions. The kinds of competence, experience, and equipment required for the large-scale multidisciplinary efforts needed in traffic safety research often reside in profitmaking organizations.

We plan to enlarge significantly the intramural program, using Public Health Service personnel, the contract program, and the research grant program as we expand our activities in this field.

Section 106(a) of the bill authorizes the Secretary of Transportation to provide training for various types of specialists required to accomplish the purposes of this measure.

There is a critical shortage of scientists qualified to conduct the kinds of research which are so urgently needed in the field of motor vehicle injury prevention. This important provision would make it possible for the Government, in cooperation with the scientific community, to help overcome a serious obstacle to rapid progress in this field.

The Public Health Service has an established program for training scientists in this field which would be an additional resource in support of the national traffic safety effort. This would be expanded in coordination with additional activities established under section 106(a).

Title II of H.R. 13228 authorizes the Secretary of Transportation to establish a major Federal research facility for conducting the com-

prehensive research that is essential if we are to obtain the answers to questions that are vital to progress in reducing the toll of motor vehicle deaths and injuries. We fully agree that the need for such a facility exists and we plan to participate fully in the development and activities of the proposed center.

As Secretary Connor pointed out in his testimony, there is need for much greater study of the interaction of vehicle interiors and associated equipment with vehicle occupants. There are further needs for better understanding of the task of driving and of the relationships of human capacities and capabilities under varying circumstances to the performance of that task.

The Public Health Service has been seeking solutions to problems in these areas through research, and has been working closely with the Bureau of Public Roads and other agencies in the search for the most effective means for translating new knowledge into practical measures for injury prevention. Some of the research techniques and instrumentation employed by the Public Health Service, utilizing the principles of simulation which contributed so greatly to aviation safety, will throw new light on the physical, physiological, and psychological factors associated with the human failures which cause accidents.

Such experimental research holds considerable promise for studying the efforts of alcohol, drugs, and fatigue on driving performance and accident causation.

Title III, relating to highway safety, is concerned with assistance to States in establishing highway safety programs which include, among other features, measures calculated to improve driver performance. We believe that considerably more research is needed for refinement of techniques for screening and identifying medically unfit drivers. The Public Health Service has for several years been assisting the States in establishing a system under which health departments provide medical guidance in this field to State motor vehicle agencies.

Title III of the bill also authorizes the Secretary to expand the highway safety research and development activities under section 307(a) of title 23, United States Code, to cover all aspects of highway safety including emergency medical care and transportation of the injured.

We consider that assurance of fully adequate emergency medical services to persons injured in highway accidents is a very effective way to reduce the rates of motor vehicle deaths.

Clearly, we do not have adequate knowledge to prevent most auto accidents today. Certainly we can reduce crash injury and death through improved auto safety design and construction. We can also do this through improved emergency care for the injured.

This is an area in which the Public Health Service is actively working today and coordinating this effort with the Department of Commerce.

The general lack of well organized and effective emergency medical services today is a major deficiency in the health resources of the Nation. This deficiency affects not only the victims of motor vehicle accidents, but also the victims of all other types of accidents and of sudden illnesses.

In March of this year, the President directed Secretary Gardner, in cooperation with Secretary of Commerce Connor, to initiate immediately projects for demonstrating techniques for more effective emergency care and transportation of the victims of highway accidents.

These efforts will comprise an important part in our drive to upgrade the quality of emergency medical services generally. The Public Health Service, in cooperation with the Department of Commerce, now is negotiating with State agencies to establish projects in the field of emergency medical services in accordance with the President's directive.

While the hospital component of emergency medical services may not be as grossly deficient as is frequently the case with ambulance services, it is nonetheless true that many hospital emergency units are overcrowded, understaffed, and unable to provide on a fully adequate basis the type of multispecialty emergency care needed by persons injured on the highway.

As a part of our total effort to ameliorate the effect of motor vehicle injuries, the Public Health Service is giving increased attention to hospital emergency services. The Public Health Service is not alone in this effort. The American Medical Association, the American College of Surgeons, the Academy of Orthopedic Surgeons, and the Physicians for Automotive Safety are all concerned and are taking steps to correct present deficiencies.

The Traffic Safety Act of 1966 (H.R. 13228) would provide for the first time effective coordination for highway safety activities within the Federal Government, covering the efforts of all Federal agencies in this important field. Its adoption is an essential step in the creation of the broad and imaginative programs necessary to make a significant impact on this problem, which the President numbers among the most serious facing our Nation.

Major improvements in the prevention of motor vehicle deaths and injuries can and must be achieved. It is our firm conviction that enactment of H.R. 13228 would provide the best means for accomplishing this vital purpose at the present time.

In closing, Mr. Chairman, I would like to pay tribute to the contribution which members of this committee have made, and are making to develop programs to deal effectively with this problem. We all owe a great debt of gratitude to your former colleague, the Honorable Kenneth Roberts, of Alabama, who started the systematic public inquiry into this problem almost a decade ago.

Mr. Chairman, we are pleased to answer any questions that you or other members of the committee might wish to raise.

Mr. FRIEDEL. Thank you for a fine statement, Dr. Lee.

On page 6 of your statement, at the bottom of the page, you say if the results are to be published, the contents of the terminal report are held as restricted information for a period of 6 months unless the author, the principal investigator, and the grant institution agree to an earlier release.

My question is: Does the author divulge the information to you?

Dr. LEE. When they submit a terminal report, that information is available to the Public Health Service, whether it is at the National Institutes of Health which has supported the project or the Division of Accident Prevention, or another unit of the Public Health Service that has supported the research. Because they will publish the results in a scientific journal and because their own advancement in the scientific world is dependent in part on their scientific publications, we do not feel it appropriate for the Public Health Service to release the results of an investigator's research and analysis before he has had the opportunity to publish it himself.

Mr. FRIEDEL. I can understand about making it public, but what alarms me is I think it was reported in the press where someone refused to disclose information even to responsible Health, Education, and Welfare officials.

Dr. LEE. That is not correct. We have never had any problem in obtaining information from the Division of Accident Prevention or any other unit within the Public Health Service when my office has asked them for specific information.

Mr. FRIEDEL. In other words, Dr. Goldstein, for example, cooperated and gave you all information?

Dr. LEE. That is correct.

Mr. FRIEDEL. He has not withheld any information?

Dr. LEE. Not to my knowledge. No request that I have ever made was ever denied and they provided me with more material, actually, than I could review.

Mr. FRIEDEL. Thank you.

Mr. SPRINGER?

Mr. SPRINGER. Just to follow that very shortly, Doctor, due to the fact that there has been this item in the press, could you give us your reasons on public policy as to why this is held for a period of 6 months, as I understand?

Dr. LEE. The primary reason is that this permits the investigator a period in which the results of his research can be published in a scientific journal. Many journals have a backlog of excellent articles submitted which cannot be published within 2 weeks, a month or even 3 months. It takes as long in some scientific journals, as 6 months or more, before articles which have been accepted are published.

Mr. SPRINGER. Just to ask this second question, is there anything in the public interest that would demand that that information be released in less than 6 months?

Dr. LEE. I think there may be certain situations where that was the case, and if that was the case we would certainly seek the permission of the investigator and the institution in order to make it public.

Mr. SPRINGER. These are public funds, and, of course, we do try to keep information on top of the desk if we can. We can understand in some instances why you would like to at least give a balanced approach to the whole problem you are investigating, and you feel a very studied paper on this would give the balanced reflection of all of the investigation rather than a preliminary release which might be interpreted as only one side of the problem.

Is that your opinion?

Dr. LEE. I certainly agree with you statement, Mr. Springer.

Mr. SPRINGER. If there is anything in the public interest that ought to be released before that time, your agency does not stand in the way of that?

Dr. LEE. We certainly would not.

I would like Dr. Allen to comment on this question. He has been instrumental in the development of the Public Health Service policies in this area and I would like him to make an additional comment on that.

Dr. ALLEN. I think Mr. Springer's assumption is exactly right. We not only would get the information, but we would, as was said, seek the arrangement. Actually, we would arrange with the investigator to release any information that ought to be made available to the public.

In 20 years now we have had no difficulty with investigators on this score. The only reason we have for protecting them at all is that in order to evaluate their applications we need to have them disclose full information, their research techniques, the secrets that they would have from their competitors in the same field.

By having our policy, they tell us the total story, even though much of it is preliminary-type information. Then we have a better tool of evaluation and can better decide who should receive the support. This permits us to award grants to the younger, less-experienced people, where otherwise we would have to give it only to people with strong reputations. But where there is a need to explore findings or make information available to the public, in my experience, in 20 years, we have had no difficulty at all.

Mr. SPRINGER. Doctor, I know that this is not particularly in your field, but this is very important: There seems to be a lack, according to the testimony of several witnesses who have done work in this field—I know Mr. Nader mentioned it the other day—of good statistical information on what is the cause of accidents.

Dr. LEE. Certainly I think there is much more research that needs to be done on the cause of accidents and also on the cause of injuries during the course of an accident or which are the result of accidents.

Mr. SPRINGER. I think this is important for two or three reasons. A lot has been said in these hearings and on the Senate side on new automobiles. I have sort of taken up the flag for eight-ninths of the automobiles which no one has been talking about, and they are the ones which are past the dealer's show window, which have been sold, are out on the highway, and are a year or more old. That is 82 million automobiles.

Most of this whole circle of spectacular journalism has been about the 9 million being sold and not about the eight-ninths which I am sure have something to do with accidents because of lack of repair, inspection, and all those things. In that field we don't seem to have a differential though we get this clear picture of just what the defects are that come off the assembly line.

We have had reference to the periodic inspections required in some States, 6 months in some States and in other States the inspections are required once a year.

Then there is the human element. We don't seem to know, really, how much of this is caused by the mechanical failure, if there is such

a thing, of new automobiles or used automobiles, and how much is due to human failure, which is certainly a big factor. Too much speed or too much alcohol, or, we will say, some human frailties, he is too old, too infirm, too nervous, all of this that goes under driver inspection.

We should have the strictest driver instruction and the best education. Usually a child can get a license at 16, and in some States 17 and 18. In Maryland you can get it at 16 under some circumstances.

These are the areas that are also very important. I am surprised that everything is being said in this field about 9 million automobiles which, in my estimation, has something to do with it, but it is only a very, very small fraction of the entire problem.

We should get into the whole thing of 9 million, plus 81 million, plus the human factor involved in this.

Governor Romney yesterday used a figure, and I am sure he must have something behind it, that two-thirds of the fatal accidents in this country had some background of alcohol. He said in the State of Michigan his figures proved it was 55 percent. That is over half.

Dr. LEE. I can't give you exact figures. There have been several studies done which would indicate that approximately half of the fatal accidents involving either pedestrians or the drivers had some association with alcohol. Certainly some of the studies that have been done have shown association with alcohol, older male pedestrians who are seriously or fatally injured, for example, certainly a number of accidents involving adolescent boys, late teenagers, are related to drinking. These boys have a high rate of accidents.

How many of these are associated with alcohol we don't know because we don't have fully adequate data. But certainly alcohol is involved as a major factor, and this is one of the reasons in the Department that we are developing a major new program in the field of alcoholism, in prevention, control, diagnosis, and treatment. In the Department we are establishing a center for the study of these problems at the National Institutes of Health in the Institute of Mental Health.

It is apparent that a broad approach to the problem is required. You can't just look at the automobile, the road, or the driver. All of these are involved and the interrelationships are very complex.

Mr. SPRINGER. One member of this committee sent around a very good statement, apparently backed up by facts which he had, that poor lighting on highways is also of concern. He went on to point out how many more accidents happen at nighttime than in daytime, in spite of the fact that the number of automobiles on the highway went down astronomically after dark.

I am calling all of these to your attention in order to see if we can't bring in something constructive and balanced out of these hearings rather than talking about 9 million new automobiles.

It may be important to find out what is wrong with the brakes and so on, but we are certainly not getting this thing balanced, at least from what I am reading in the newspapers.

Dr. LEE. We would certainly agree with your broad approach to the problem. In the research that the Public Health Service has supported to date, they have supported studies across a broad front, studies relating to the cause of injuries and accidents, and certainly

it cannot be limited merely to a study of the interior design or safety engineering features of the new automobiles, although these are very important.

There are multiple other factors involved. For example, the new interstate highways that have been built have resulted in fewer accidents. There is a relationship between the driver, the automobile, and the new types of highways which indicate there are fewer accidents in this situation than there are on two-lane roads and older highways.

These are factors which have to be more thoroughly studied. We can't limit the studies just to the automobile.

Mr. SPRINGER. Thank you, Mr. Chairman.

Mr. FRIEDEL. Mr. Kornegay?

Mr. KORNEGAY. Thank you, Mr. Chairman.

I wonder if I might defer for a moment as I was a bit late in arriving at the hearing this morning. I will yield to my colleagues.

Mr. FRIEDEL. Mr. Younger?

Mr. YOUNGER. I have no questions. I would like to congratulate our Californian for being here. While he doesn't live in my district, he lives right next to it. He comes from a fine family of doctors.

Mr. FRIEDEL. And he has a lot of friends.

Mr. YOUNGER. He has a lot of friends on our side of the fence.

Thank you very much, Dr. Lee.

Mr. FRIEDEL. Mr. Curtin?

Mr. CURTIN. Thank you, Mr. Chairman.

In your statement, Dr. Lee, you said that in your Department you are developing a major program in the area of alcoholism, particularly in view of the fact that you find alcoholism a major contributing factor in fatal accidents.

Would you elaborate on that?

Dr. LEE. Yes, sir. During the last year, prior to my coming into the Department, under the direction of the Under Secretary, a year-long study was carried out of the existing programs and what needed to be done to develop effective programs in the area of alcoholism. This review and evaluation was conducted by a departmental committee, under the chairmanship of Dr. Stewart who is now the Surgeon General.

The committee, in its report, emphasized the major public health significance of the problem, and the need to develop broad programs. The President in his message on health and education indicated that we would be developing such programs in the Department of Health, Education, and Welfare.

The steps that have been taken thus far are: (1) the Secretary has approved the appointment of a National Advisory Committee to the Secretary dealing with the very broad aspects of the problem; (2) a full-time consultant, who will become a full-time special assistant to the Assistant Secretary for Health and Scientific Affairs, to coordinate all the Department's efforts has been appointed; (3) new and expanded programs are being developed by the Office of Education, the Public Health Service, the Welfare Administration, the Children's Bureau, the Aging Administration, and the Vocational Rehabilitation Administration; (4) a center for the study of alcoholism and

problems related to alcohol has been established in the National Institutes of Health. This is within the Institute of Mental Health. An expanded research, training, and service program in the field of alcoholism will be developed by the center; (5) a broad and serious effort within the Federal Government is being made to recognize alcoholism as an illness and to treat individuals who are employees of the Federal Government suffering from alcoholism as ill individuals and, finally, to develop occupational health programs within the Federal Government for better prevention, control, treatment, and rehabilitation.

This program is just beginning to be moved ahead under the leadership of the Public Health Service. The Social Security Administration has also provided leadership in this area. They have one of the best existing programs for alcoholics. We also will be expanding our efforts to work with outside groups; to work with the insurance companies; to work with hospitals to encourage them to admit alcoholics as patients as they admit any other patient; and to have the doctors treat the alcoholic as a patient in the way that all other patients are treated, to bring them really into the mainstream of medicine.

This will be a very broad gauged effort. It will involve working relationships with the States, with organizations such as the American Medical Association and a number of other voluntary groups that have been very active in this field, with industry and many institutions.

We also will have, if approved, in a new legislative proposal which has not yet come before this committee, provision for the development of comprehensive public health services in the States. This will be replacing a present series of categorical formula grants.

It will provide a formula grant to the States for the development of public health services and project grants that can be targeted to specific problems. The funds under this new proposal, if approved, could be very definitely used, and it is our hope that they would be used, for the development of comprehensive programs for individuals suffering from alcoholism.

Mr. CURTIN. Doctor, that is a very elaborate program in reference to alcoholism in general. However, it will not make a person under the influence of alcohol a safer driver, will it?

Dr. LEE. Certainly it won't make him a safer driver. We have to find out what we can do to prevent people who suffer from this disease from drinking. We also have to find much more effective means of—

Mr. CURTIN. If I can interrupt you, Doctor, don't you want to find out what can prevent a person who is drinking from driving his automobile?

Dr. LEE. There are millions of people in this country who drive after drinking. They are not alcoholics. They attend a cocktail party and then drive home or somewhere else. This is an enormous problem. I am frank to admit we don't have any solution for it at the present time.

Mr. CURTIN. In my State of Pennsylvania, you are not charged with drunken driving, the charge is operating a motor vehicle while under the influence of intoxicating liquor. The point is that if you have a certain amount of alcohol in your system which abnormally affects your reactions and are driving, you are guilty of that offense.

Isn't the question the amount of alcohol in the human body? If your reactions are not affected, you are a safe driver, and if they are, then you are not, so far as alcohol is concerned.

How will all of this research that you are doing and going to do affect that particular problem?

Dr. LEE. Certainly this is one means of attacking the problem. I think it has not proven to be an effective means of preventing most people who drink and then drive from so doing. When people are caught, it provides a mechanism for punishment, but I am not sure it has proved to be a fully effective deterrent for preventing those who drink from driving.

If people, once they had been drinking, would not drive, if they would take a taxi home or get home by some other means of public transportation, it would be better.

Mr. YOUNGER. Will the gentleman yield?

Mr. FRIEDEL. The gentleman's time has expired.

Mr. YOUNGER. Thank you.

I am somewhat in agreement with the comment which has already been made. I am reminded of all of the research that came out of the HEW Surgeon General's Office in regard to cigarette smoking, and yet right out of the Surgeon General's Office we have had, time and time again, the doctors came up here smoking cigarettes right here at the witness table.

I have commented on this before. I don't think all of this research is going to do too much about the drinker. I think any time you have an accident and liquor is involved, the license should be lifted for a certain period, maybe 6 months or a year, to have a very severe penalty, something that cannot be released by the judge. Perhaps it should be made mandatory.

Dr. LEE. This is an approach which has been taken, I think, in Sweden and Finland. I cannot give you the data but I think it may be a much more effective means than what we have developed in most States.

Mr. YOUNGER. Would you agree with that?

Dr. LEE. I think it is a very sound approach.

Mr. CURTIN. That is a part of the law in Pennsylvania. If you plead guilty to that offense, or you are convicted of the offense, in either case, you automatically lose your driving privilege for a stated period.

It seems to me that all of your research cannot more effectively answer that problem. You drive at your peril if you are under the influence of intoxicating liquor.

Dr. LEE. We would like to go further and prevent them from driving, but we don't have enough knowledge to do that. I think you have to take many different approaches to these problems.

I would also say that the problem of cigarette smoking is different than the problem of the driver who drinks. The smoker only harms himself, he doesn't harm other people. The person who drinks and drives is a threat to anybody else on the road, and it is quite a different problem. It is something that society, the State laws of the type you mentioned, can do something about. Smoking, on the other hand,

is an individual matter. It bothers me when people smoke, but it is really their own business and it doesn't hurt the rest of us directly.

Mr. YOUNGER. Except from this standpoint, that when the young people see the doctors smoking, in spite of all they have heard, it rather influences them.

Mr. FRIEDEL. Well, we are not holding hearings on cigarette smoking today.

Mr. Satterfield?

Mr. SATTERFIELD. Thank you, Mr. Chairman.

I notice in your report you state that the Public Health Service has supported research in accident prevention on the so-called second collision and that you have research techniques and instrumentation which utilizes the principles of simulation, as used in aviation investigations, and so forth.

May I inquire how the Public Health Service does this?

Dr. LEE. I can have Dr. Joliet answer that question, Mr. Satterfield.

Dr. JOLIET. We have two pieces of simulation equipment which are, in essence, mockups of automobiles as you drive them. These devices are instrumented, and in front of the driver there is a visual display which appears to be the road as you would see it when you are driving. This is arranged in such a manner that the driver can at any time be presented with many different types of critical driving situations.

For example, another car can be made to come out from an intersection at a precise moment. This situation can be exactly duplicated as many times as necessary. You can measure precisely what the driver does, what action he takes, and when.

Eventually the normal reaction to critical situations can be determined. Then drivers who have been under study can be given certain things. For example, small doses of alcohol, or drugs, or fatigued, or sleepy drivers can be tested to see how these various decrements to human performance affects the individuals who are faced with the crisis.

Mr. SATTERFIELD. Do you actually do this at the Public Health Service? Is it a facility owned by you?

Dr. JOLIET. Yes, sir. It is being set up in Providence now. We had one unit in Akron, Ohio, and one in Silver Spring. We are bringing them both together at Brown University because we need the skills available to us on a university campus.

Mr. SATTERFIELD. When you speak of supporting research, do you also support the research conducted by other people?

Dr. JOLIET. Yes, sir. That is the purpose of the research grant system.

Mr. SATTERFIELD. May I inquire how much money you spend on research grant systems in this area?

Dr. JOLIET. The 1967 budget has research grants calling for approximately \$2,014,000. About 70 percent of the grants have been for traffic safety research support.

Mr. SATTERFIELD. And the studies that you conduct yourself on simulation, is that in addition to the \$2 million?

Dr. JOLIET. Yes, sir. The \$2 million is for research grants to support the research of other people.

Mr. SATTERFIELD. How much would you say goes into your own research that you conduct yourself?

Dr. JOLIET. For that same year it will be about \$500,000. This has been an increase over the past several years.

Mr. SATTERFIELD. That \$500,000 is in the simulation research?

Dr. JOLIET. Simulation is only a part of our traffic safety research. Our overall responsibility extends to all types of accidents, not just traffic accidents.

Mr. SATTERFIELD. How much is spent on the stimulation aspect of it?

Dr. JOLIET. Approximately \$343,000 has been invested in simulation equipment.

Mr. SATTERFIELD. Have you published any findings?

Dr. JOLIET. No, sir. This is just going into operation. The work that has been done prior to this time has been developmental work.

Mr. SATTERFIELD. So this is new.

Dr. JOLIET. Yes, sir.

Mr. SATTERFIELD. I notice also you state that you have an established program for training scientists in the field, after noting that there is a shortage of people trained to do this type of work.

Could you tell me something about that program?

Dr. JOLIET. Yes, sir. There are two different kinds of programs, training grants and fellowships. In the training grant program we provide money to institutions which will permit them to set up training opportunities for students.

In the fellowship program we provide funds to selected students so that they can expand their own education in whichever particular area they feel necessary. Because of the complexity of this field, a research person may choose to get extra training in one particular area, medicine, mechanics, engineering, whatever, through the fellowship program he could get a fellowship that would provide the particular kind of training that he needed.

Mr. SATTERFIELD. This is not a special program, but these are grants and fellowships that you have available under programs such as the medical program that we enacted last year. Would that be one source of funds that could be utilized?

Dr. LEE. The Health Professions Educational Assistance Act amendments passed last year are mainly basic support for the medical schools, schools of dentistry, schools of osteopathy, optometry, and podiatry. They wouldn't be as targeted as these traineeships and fellowships which are targeted for specific areas such as this.

I cannot emphasize enough, really, the shortage of qualified investigators in this field. This is a very critical problem at this time.

Mr. SATTERFIELD. When you refer to a program, you actually refer to the ability that you have to give grants to people who are studying in these areas rather than a specific program?

Dr. LEE. As Dr. Joliet indicated, you give the training grant to the institution or the fellowship to the individual. The programs are carried out by the universities and professional schools primarily.

Mr. SATTERFIELD. I have no other questions, Mr. Chairman.

Mr. FRIEDEL. Mr. Watson?

Mr. WATSON. Thank you very much, Mr. Chairman.

Dr. Lee, I have been impressed this morning as on other occasions with your testimony. I am sure all of a sudden we find ourselves in

a state of turmoil over Mr. Nader, who has been projected as the world's foremost authority on vehicles. I even find myself rather apprehensive as I drive along now as a result of all the publicity which has been given the automobile by him.

I don't know if I turn the steering wheel to the right the automobile might go to the left, or if I apply the brakes the horn might blow.

You are a doctor. The other day when Mr. Nader was testifying I asked him as to whether or not a warning to the driver that an automobile would kill and urging him to drive safely would have a beneficial effect, and the authority, Mr. Nader, said that he did not know, himself, as to whether or not that was beneficial, to warn a driver that an automobile would kill.

He quoted a psychiatrist who had said that he was fearful that such a warning might have a detrimental effect. I am sure in the medical profession you have engaged in the study of psychiatry. Do you believe that all the efforts we have made in the past in trying to warn a driver that he should drive safely, that a wreck will kill him, has had an adverse effect on him?

What is your professional opinion?

Dr. LEE. I think in general an informed public is better able to make decisions, and I think to inform them about the hazards of automobile driving, the hazards of drinking before driving, the other hazards related to driving, are very important, and I think this can contribute to safety programs. Of course, much of the safety education has been directed to this kind of public information.

I think it would also be helpful, for example, if people knew on highway and public roads that accidents were more likely or more frequent in certain areas. This type of public disclosure I think would be very helpful.

I would favor public information on the hazards. I think the publicity in the newspaper is going to cause some people anxiety, just as poster campaigns and the television campaigns, and other safety campaigns, might cause some people anxiety and apprehension.

I think in the broad sense, however, it would be beneficial. We do find it may not influence people too much. We don't know all the things that motivate people. We have seen in the area of smoking, for example, the warning label on cigarettes. We are not sure yet what effect this will have.

I think we can't give definite answers, but my own view would be that this would be a good thing.

Mr. WATSON. That it would be beneficial rather than detrimental?

Dr. LEE. That is correct, I believe so.

Mr. WATSON. One final question: It has been reported that some 40 or 50 percent of the fatalities in automobile wrecks have been attributable to alcohol, that is where there has been an ascertainment of whether or not alcohol was involved. Would you agree with those figures?

Dr. LEE. That is a fair statement, based on what data we have available.

Mr. WATSON. And in your judgment, whether we would build, indeed, a crash-proof capsule or automobile, we still could not prevent wrecks?

Dr. LEE. We certainly couldn't prevent the accidents. We might do a good deal to prevent the second collision or the injury that follows the collision of the individuals with the interior of the automobile even if we couldn't prevent the accident. Thus, with improved interior design and safety engineering of automobiles it would be possible to significantly reduce the number of fatal injuries. We know, for example, that if people would use seat belts it would reduce significantly the number of fatal injuries that occur, even though it wouldn't affect the accidents at all.

Mr. WATSON. Having made a determination that a large percentage of the accidents are caused by driver error, whether it be alcohol or otherwise, do you think really that we need too much more research in that particular area? Rather, don't we need more enforcement through the courts, not only on the matter of removing from the highway the habitual person who drives under the influence, but also deterring others who might be inclined to drive under such circumstances?

Dr. LEE. I feel there are multiple approaches that have to be taken. We feel we do not have nearly adequate information on the medical factors relating to the drivers. For example, there are a number of new drugs introduced every year. We don't know what effect many of these drugs have on the capability of the driver. We are concerned not only with the tranquilizers or sedatives, but the number of other drugs that people might take for chronic medical conditions.

There are a number of other factors, the disease conditions that might adversely affect drivers under certain conditions, so that restrictions might appropriately be placed on drivers, are but one of them.

We feel that both approaches are necessary. We have knowledge now with which to develop programs but we need more knowledge in order to improve these programs and solve many of the unanswered questions.

Mr. WATSON. I agree there is a need for research, but having made the determination that 40 percent of the deaths are attributable to alcohol or driver error, isn't it time for some action to follow through?

Dr. LEE. Yes, I would certainly agree.

Mr. FRIEDEL. Mr. Mackay.

Mr. MACKAY. I want to ask you, from your studies, where you find any explicit reference to the traffic accident as a connection with the responsibility of your Department? Has the work done, including setting up an Accident Prevention Bureau, been done pursuant to your general assignment to be concerned with the health of the American people?

Dr. LEE. Unless I am mistaken, and I will have to double-check this again, it has been done under our general authority to protect the public health rather than an explicit authority by Congress. Congress has, of course, provided specific authorization and appropriations to the Division of Accident Prevention, which we consider as an explicit authority within the broad authority.

Mr. MACKAY. But even that Division was made administratively and not under a specific direction from Congress.

Dr. LEE. That is right.

Mr. MACKAY. Those of us who support this legislation feel this ought not to be something you just get into if you have time to get

around to it, but that there ought to be an explicit mandate from Congress for an agency of Government to look at the total accident problem.

The second question I have is, what is the source of the data on page 2 of your statement as to how many people were killed and injured?

Dr. LEE. The data is primarily from the National Center for Health Statistics of the Public Health Service.

Mr. MACKAY. How much of a lag is there on reporting? For example, you have a general statement about how many are killed and how many people died last year from traffic accidents. When can you state authoritatively how many people died from traffic accidents last year?

Dr. LEE. We can certainly get those figures from the National Center for Health statistics.

Mr. MACKAY. I want to know about the quality of your reporting, because the most shocking thing that has come out of these hearings is that nobody has any reliable data.

Dr. LEE. We would feel that we have limited data; that the data that is collected is good, but we don't have nearly enough of it. There is much that the National Center for Health Statistics would like to do in this area, and will do as we expand our program.

Mr. MACKAY. May I ask you to furnish what criteria or what forms you use in collecting the data on which you base your work?

Dr. LEE. I will be glad to.

(The following information was received by the committee:)

BASIS OF DATA FOR PROGRAM WORK

The Public Health Service Division of Accident Prevention relies on data provided by the National Center for Health Statistics for all deaths and injuries in the United States.

Tabulations on deaths are obtained from copies of all death certificates forwarded to the Public Health Service by the registrars in the various States. The cause of death is classified according to an international code which identifies those deaths caused by motor vehicle. Tabulations are completed for calendar year 1964. An estimate for 1965 has been made from a 10% sample of the death certificates. The final tabulation for the year 1965 will be available some time in the fall of this year. Estimates for January 1966, from a 10% sample, are also available.

Estimates for injuries in the United States are made from data from the National Health Survey which consists of a sample of households in the United States and are tabulated quarterly. The latest now available is for July-September 1965. The latest full year estimates are for 1964. This estimate of injuries is classified into four groups: home, motor vehicle, work and other. For additional information regarding the type of accident and for information regarding the circumstances under which the accident occurred, the Division relies on special studies.

Mr. MACKAY. Would you agree that there is not now in the Federal establishment any coordination of research touching on all of the elements in the traffic accident phenomena? Certainly you have not gone beyond the medical aspects. You haven't gotten into road design, for example, have you?

Dr. LEE. We are making an effort, and the Division of Accident Prevention has for a number of years worked with other agencies of Government in this area. But as a broad, totally coordinated approach, we have neither had the mandate from the President, until

his present program was introduced, nor from the Congress for this type of priority concerned with this problem.

Mr. MACKAY. Don't you think that this responsibility for coordination ought to be assigned to some agency instead of just a loose-jointed, voluntary operation?

Dr. LEE. Yes; and I think that the proposal which the President has submitted which puts this as a responsibility of a Cabinet officer is a very important step, and it gives it an importance and an emphasis that it has never had before.

Mr. MACKAY. I want to ask you whether you know through any of your direct investigation or through any of your contract investigation if you have difficulty with tort lawyers interfering with research? This is a justification for classifying information, as I understand it.

Dr. LEE. I can't answer that question, but Dr. Joliet says we have not had any interference from tort lawyers.

Mr. MACKAY. Do you know Dr. Gikas?

Dr. LEE. I have met Dr. Gikas. I don't know him well, but I have certainly met him and have a high regard for him and for his work.

Mr. MACKAY. Do you know under what program he has been functioning? Who has financed his research?

Dr. JOLIET. We have, sir. It is a research grant that he has been operating under. He may be doing other work that we don't fund.

Mr. MACKAY. Can you furnish us a list of the projects of research in this area that have been completed, the results of which have not been released, and state why they have not been released?

Dr. LEE. Certainly. This would be primarily the research projects completed, following receipt of the terminal report by the Public Health Service and before publication of the investigators' results in the scientific literature. We would be glad to furnish such a list.

Mr. MACKAY. There is a rather serious charge here on the Hill that you have spent some hundreds of thousands of dollars and that the results of this research have not been released. This struck me as possibly being very unfair. I think it ought to be cleared up.

Dr. LEE. As far as I know, every completed project on which we have a terminal report has been released and is available to the public. So I think it is only in this category between the completion of the study and the publication. We will furnish the information, however.

(The following information was received by the committee:)

The Committee requested "the list of projects in this (traffic) area that have been completed but have not been released, the results of which have not been released and why they have not been released."

EXPLANATORY NOTE.—So far as we have been able to interpret and match this definition with the status of each project, the ones attached come into this category; the reasons appear under "Outcomes" and "Dissemination of outcomes." Summaries of all 75 projects have been made available to the Committee.

If further detail is required it can be provided.

EVALUATION OF AVAILABLE TRAFFIC RECORDS (RG-5361)

Georgia Department of Public Health: Terrell.
Dates: September 1957 to August 1959.
Amount: \$24,000.

Purpose

To examine the degree of usefulness of available traffic accident records in providing information to define the problems and to aid in establishing improved programs of prevention.

Outcomes

This preliminary study of accident records in Georgia identified those areas which seem to provide adequate information, poor information, and fair information relating to driver data, vehicle data, roadway data, and accident data.

Dissemination of outcomes

Not disseminated—this analysis resulted in evaluations of a preliminary nature. The authors did not publish, nor do the materials seem to warrant further dissemination since analyses are limited to the particular records, and the particular system studied.

Publications

Terrell, J. C.: *Evaluation of available traffic accident records in Georgia*. Dec. 1959 (unpublished).

AUTOMOTIVE ACCIDENT INSTRUMENTATION STUDY (RG-8771, AC-9)

The Laboratory for the Study of Sensory Systems; Baldwin.

Dates: September 1961 to November 1962.

Amount: \$20,000.

Purpose

The development of a microminiature accelerometer-telemetry system.

Outcomes

Developed suggested designs for an accelerometer-transmitter and receiver-recorder system; continuation of the project not approved because it did not seem promising to the reviewers.

Dissemination of outcomes

Not Applicable.

Publications

Final report, 1 Apr. 1963 (unpublished).

SUSCEPTIBILITY TO MONOTONY AS AN ACCIDENT PREDICTOR (AC-25)

San Jose State College; McBain.

Dates: January 1962 to June 1965.

Amount: \$32,000.

Purpose

To develop a measure of susceptibility to monotony and to relate the measure to accident involvement of individuals particularly those involved in monotonous occupations such as long-distance truck driving.

Outcomes

This project is now completed and the final report is overdue. The principal investigator has indicated that a sequence of personal problems has delayed his preparation of the final report.

Dissemination of outcomes

One paper on preliminary work presented at a technical meeting.

One discussion of the problem of job monotony in a professional journal.

Publications

McBain, W. N.: What can be done about job monotony. *Pers. Admin. Mag.*, Vol. 26, No. 3 (May-June 1963), pp. 24-30.

DRIVING AND CONNOTATIVE MEANINGS (AC-29)

Columbia University; Thornlike/Malfetti.

Dates: December 1961 to November 1964.

Amount: \$120,000.

Purpose

To identify the interpretation or meanings of signs and symbols in the driving situation that are held by various groups of drivers, such as "good", "bad", professional, non-professional, male and female.

Outcomes

Final report not yet submitted; additional analyses being conducted.

Dissemination of outcomes

Not applicable.

Publications

None to date.

VISUAL SIGNAL CONSPICUITY (M-4945, AO-46)

American Institute for Research; York.

Dates: January 1961 to October 1961.

Amount: \$2,000.

Purpose

This was an exploratory investigation to determine the relative and joint effectiveness of (1) warning light mounting position with respect to normal visual access of seated drivers, (2) brightness contrast between the object to be detected (a transient red light) and its surrounding background, and (3) a central task of watching the rearview mirror. The performance measure was "braking reaction time".

Outcomes

This pilot study revealed difficulties in controlling for eye and head movements during subject monitoring for a periodic warning signal; results did not seem sufficiently promising to warrant support of a subsequent application for further work in this area.

Dissemination of outcomes

Not applicable.

Publications

York, C. M.: Visual signal conspicuity—a preliminary study. (Mimeo.) Unpublished. 2 pp.

SKILL INCREMENT IN CONTINUOUS DRIVING (RG-6091, AO-50)

Michigan State University; Barch/Forbes.

Dates: January 1959 to December 1962.

Amount: \$49,000.

Purpose

(A) To determine the detrimental effects, if any, on the driving behavior of young drivers of driving at high but legally accepted speed for up to four hours on four lane divided highways, and

(B) To relate driving behavior of various sorts to the type and amount of previous driving experience.

Outcomes

No trends were found that could confidently be called "detrimental". The maintenance of adequate driving behavior during the long trips is interpreted as related to the conditions of the study, namely, (a) good highways, relatively free from traffic friction, and with relatively low volume, (b) young, well-rested drivers in good health and (c) good weather conditions.

Dissemination of outcomes

Investigators did not see fit to publish, since they found no effects on driving performance associated with long trips.

Publications

Barch, A. M.: Final Report, Oct. 15, 1963. (Mimeo.) Unpublished.

HUMAN FACTORS IN TRAFFIC ACCIDENTS (RG-6550, AC-55)

State Department of Health, Hawaii; Spicer.
Dates: September 1959 to August 1962.
Amount: \$75,000.

Purpose

To ascertain whether there are differences between accident-free drivers and accident repeaters with respect to (1) visual perception, (2) frustration reaction, (3) attitude towards self and other drivers and (4) problem solving.

Outcomes

There evolved the suggestion that there might be some relationship between visual perception and accident involvement. Further research would be required to confirm or disconfirm this.

Dissemination of outcomes

No publications resulted, nor seemed warranted.

Publications

Spicer, R. A.: *Final Rept.* (Mimeo). Unpublished. 42 pp.

CAUSES OF AUTO ACCIDENTS OF ADOLESCENT DRIVERS (RG-5577, AC-67)

Harvard College; Gallagher/Moore/McFarland.
Dates: January 1958 to December 1962.
Amount: \$92,000.

Purpose

To study the reasons for the successive accident rates of youthful drivers between ages 16 and 21. Accident-involved and non-accident-involved drivers in that age range are to be compared, plus an analysis of the accidents occurring in this group.

Outcomes

Report long overdue and currently being prepared.

Dissemination of outcomes

Not applicable.

Publications

None.

MEASURING ROAD DIFFERENCES (AC-111)

New York University; Greenberg.
Dates: May 1963 to March 1965.
Amount: \$17,000.

Purpose

To develop a mathematical model to characterize different highways and highway conditions by studying the dependence between successive vehicles in the traffic stream.

Outcomes

Progress made during the period of this grant did not seem sufficiently promising to the reviewing group to approve an application for a renewal to continue the work. It has therefore been discontinued.

Dissemination of outcomes

Not applicable.

Publications

None.

EFFECT OF GROUP SESSIONS IN CHANGING DRIVER ATTITUDES (AC-117)

New York State Department of Motor Vehicles; Scott/Greenberg.
Dates: December 1962 to February 1964.
Amount: \$58,000.

Purpose

To determine the effectiveness of the New York State Department of Motor Vehicles program of group sessions, or driver improvement clinics, to which persistent violators are referred instead of a formal punitive type hearing characteristically employed in such situations.

Outcomes

The project encountered a variety of difficulties at the analysis phase, particularly with computer programing problems. Final report is long overdue, but is now in preparation. Some of these problems were presented and discussed at the recent Research Conference and Workshop sponsored by A.A.M.V.A.

Dissemination of outcomes

Discussion at Conference sponsored by A.A.M.V.A. in Sacramento, California, April 1966.

Publications

None.

THE LATERAL STABILITY OF TRACTOR-TRAILER (AC-162)

Stevens Institute of Technology : Dugoff/Ehrlich.

Dates : February 1964 to October 1965.

Amount : \$21,700.

Purpose

To determine the quantitative effect of each of the factors which influence the lateral stability characteristics of conventional tractor-trailer configurations, and to develop methods for improving the stability and hence their safety without adversely affecting other performance characteristics.

Outcomes

Final report due.

Dissemination of outcomes

Not applicable.

Publications

None to date.

HUMAN VARIABLES IN MOTOR VEHICLE ACCIDENTS (AC-183)

Harvard School of Public Health ; McFarland/Moore.

Dates : April 1964 to January 1966.

Amount : \$41,000.

Purpose

(1) To carry out a critical analysis of the extensive technical and research literature relating to human factors and the causation and prevention of motor vehicle accidents, and (2) to prepare an integrated summary report presenting the useful findings for application and preventive measures.

Outcomes

The report on this project is currently being drafted.

Dissemination of outcomes

The Division plans to obtain about 1,000 copies of this summary and disseminate it to interested researchers and others concerned with traffic accident prevention.

Publications

None to date.

Mr. FRIEDEL. Will the gentleman yield?

Mr. MACKAY. Yes, Mr. Chairman.

Mr. FRIEDEL. Are your files which are related to research under Federal funds available to this committee?

Dr. LEE. Yes, sir.

Mr. FRIEDEL. If the committee wants them, they could see them?

Dr. LEE. We would withhold nothing from this committee. We would be glad to cooperate with any members of the staff to provide whatever information you wish to have.

Mr. FRIEDEL. Thank you.

The gentleman's time has expired.

Mr. Harvey?

Mr. HARVEY. No questions, Mr. Chairman.

Mr. FRIEDEL. Mr. Gilligan.

Mr. GILLIGAN. Thank you, Mr. Chairman.

Doctor, it was a privilege to hear your statement this morning. I have noted a couple of interesting features. One which caught my eye which may seem in some sense to be a rather minor problem, but which has been a very real problem in our community, is the problem of emergency medical services. We have discovered, as a community, that we didn't have in our hospitals the kind of emergency treatment that I think a citizen normally thinks is available just because there is a hospital there; that there are people waiting to take care of him should anything happen.

We had a series of accidents a few years ago which highlighted the fact that our hospitals, especially some of our private hospitals, were not prepared to render emergency service in various situations.

You made reference on page 10 to the fact that the Public Health Service is giving increased attention to hospital emergency services. As I say, one of our problems was that our private hospitals found it financially impossible to maintain facilities and staffs for 24-hour emergency service.

What they really had to do, in effect, was to charge the other patients more than their per diem costs of treatment in order to maintain these standby facilities, to keep people on hand and provide quarters and so forth for emergency service. This they found increasingly difficult to do, if not impossible.

Would you elaborate on what the Public Health Service is doing in this field of giving increased attention to hospital emergency service?

Dr. LEE. There is a staff in the Division of Accident Prevention which has been meeting with people from various States and institutions, particularly with State health departments, and also with people in hospitals, to develop programs not only for the hospital emergency room, but for the ambulance service and for the development of a proper emergency call system on the highways. We all know that on some of the new interstate highways you may travel 20 miles between exit and entry roads. In order to study and better define the requirements for adequate pickup, proper ambulance service, qualified people in the ambulance to provide the emergency care which so often is life-saving, as well as the services in the emergency room of the hospital, we are negotiating a project at the moment with the State department of health and the University of North Carolina. This is a joint effort with the Department of Commerce to develop a program that would involve hospitals, ambulance services, and a highway information system.

There have also been a number of discussions with other States on this. The American Medical Association, the Academy of Orthopedic Surgeons, the Physicians for Automotive Safety, and other pro-

professional groups are very much concerned with this problem. I believe that a special study of hospital emergency services is currently being conducted under the direction of the Academy of Orthopedic Surgeons.

Adequate emergency medical service to handle accident victims requires multiple specialists—neurosurgeons, orthopedic surgeons, general surgeons, general physicians, skilled nurses, particular types of equipment and adequate facilities.

This is a very major problem. The Public Health Service has begun to get into it and will, with this new program, very considerably expand its efforts. They have submitted proposals already to the Department which would very greatly expand this effort. They are now under review by our budget review committee.

Mr. GILLIGAN. Do these programs which are under review involve or contemplate Federal funding of any kind, at least on an experimental basis?

Dr. LEE. Yes, sir. There are two mechanisms for this. One would be a contract mechanism from the Division of Accident Prevention to a State health department or to several institutions to develop a coordinated program. The other is under legislation which has not yet come before this committee, which I mentioned earlier, which provides a new type of formula grant to the States which would permit the development of comprehensive services, both a formula grant to the States and very significant project grants and contracts to States and institutions for the development of such programs as this as part of a comprehensive public health service.

Mr. GILLIGAN. Your response is quite interesting, Doctor, in light of the fact that one of the subcommittees of this committee took testimony a week or so ago from public health officers, both local and State officers, who were objecting to categorical grants as being too restrictive, and were saying, in effect, "Just give us the cash and we will spend it."

But certainly the Public Health Service and the Federal Government by initiating categorical grants, for instance, in fields like this which today, so far as I am aware, are almost totally neglected at the State and local levels, can provide the seed money and experimental programs which may produce, in the long run, some really lifesaving services in many of our communities which would wait for 50 or 100 years if the local community had to find the funds and develop the initiative to bring the programs into being.

Dr. LEE. There is no question that you have to weigh this balance between the categorical approach which, as the health officers indicated, has produced a great deal of fragmentation at the State and local level in the development of public health services with a national need such as we find here. There is no question that there is a national need to develop emergency medical services in hospitals throughout the country.

Mr. GILLIGAN. I daresay in our community of Cincinnati, Ohio, we have had all of these difficulties, in having our hospitals, some of them quite large, maintaining adequate emergency services for the care of people. In some of the rural communities and in some of the small community hospitals they cannot conceivably maintain adequate services.

Thank you very much for your responses.

Thank you, Mr. Chairman.

Mr. FRIEDEL. Dr. Lee, I am sure you will hear from our staff members with reference to the records that you may have that we would like to see.

Dr. LEE. We will be very happy to work with them.

Mr. FRIEDEL. Thank you.

Mr. KORNEGAY. Mr. Chairman—

Mr. FRIEDEL. Mr. Kornegay?

Mr. KORNEGAY. Doctor, I am sorry I was not here to hear your reading of your statement. I am sure you did your usual splendid job in presenting it.

I do have two or three questions I would like to ask about. The first one is that in most of the bills that I know about on this matter, they envision responsibilities for highway safety to be placed in the Commerce Department, and possibly in the new Department of Transportation, if and when it becomes a reality.

Is it your feeling that these functions of research that you have been talking about should be retained in HEW, or should they be transferred to the Commerce Department, or the new Department of Transportation if and when it becomes a reality?

Dr. LEE. We feel that whether the coordination is in the Department of Transportation or the Department of Commerce, the Department of Health, Education, and Welfare has such responsibilities for the public health that we must continue to carry out not only major research and training programs, but service programs in this area as well.

We cannot separate the public health problems related to traffic safety from other accidents. We can't separate these from our responsibilities related to the health of the public generally. We feel this is a major public health problem. We have responsibility in this area which we do not feel would be appropriate to delegate or to transfer to others.

The total effort can be coordinated by the Secretary of Transportation or some other department, as we coordinate certain Government-wide efforts. But we have major responsibilities in this area.

Mr. KORNEGAY. You have a major function, as I see it, in this whole area. The primary concern in the problem of highway safety is really public health. It is the killing and the injuring of people. I haven't heard anybody yet come up here and argue very vigorously about the property damage involved in automobile accidents. It has all been centered on the fact that we are killing 50,000 people a year and over 100,000 or more are being injured in traffic accidents every year.

You don't envision any difficulty in that split of authority in this field?

Dr. LEE. I think there are always difficulties, whether it is all in one department or whether there is the split relationship, but we find increasingly with the problems we are facing, whether it is water pollution, traffic safety, air pollution, or a number of other problems, that there are multiple interrelationships between major departments of Government, not just between the Public Health Service and some other agency within the Department.

Mr. KORNEGAY. Perhaps you feel that the whole thing should be in your agency of HEW.

Dr. LEE. There are major areas that are not appropriate for HEW. We feel that the proposals which the President made, and our people worked closely with the Department of Commerce in working this proposal up for the President, would be appropriate.

Mr. KORNEGAY. You would have no problem in working with Commerce and coordinating between the two of you?

Dr. LEE. I wouldn't say we have no problems, but we have problems within the Department as well. I don't think these interdepartmental problems are greater than these that would be faced within the Department.

Mr. KORNEGAY. These are nothing more than the physical problems of getting the information and conferring and that sort of thing, with you being located in one place and their being located someplace else?

Dr. LEE. So far, I would say, based on my experience since we got into this last year, there has been close cooperation and good working relationships. We think these can be maintained in the future.

Mr. KORNEGAY. In the last year or so the Department has made a grant to Harvard University, I believe, for a program of research in accident investigation research; is that correct?

Dr. LEE. That grant was made some years ago.

Mr. KORNEGAY. It was terminated before the grant actually expired, wasn't it?

Dr. LEE. Yes, sir.

Mr. KORNEGAY. What was the reason for the termination?

Dr. LEE. Well, I think it was due to a number of factors. We will be glad to submit a detailed report on this project to the committee.

Mr. KORNEGAY. I think it would be well for us to have it in the record.

Dr. LEE. We would be glad to submit that to your committee, as well as to the Senate.

(The material requested follows:)

A DIGEST OF SALIENT DEVELOPMENTS ON THE PUBLIC HEALTH SERVICE TERMINATION OF THE HARVARD MEDICAL SCHOOL'S RESEARCH PROJECT ENTITLED "RESEARCH ON FATAL HIGHWAY COLLISIONS"

On July 1, 1958, the Harvard University Medical School submitted to the Public Health Service an application for a research grant entitled "Research on Fatal Highway Collisions." This was a five year project which would begin November 1, 1958. A site visit team consisting of General Victor Byrnes, U.S. Air Force; Dr. Herbert L. Ley, Jr., Department of Bacteriology, Hygiene, and Preventive Medicine, George Washington University; Mr. Roy Hauesler, Chrysler Corporation; and Dr. James L. Goddard, Chief, Research Grants Branch, NIH, on behalf of the Accident Prevention Study Section visited Harvard University on August 21, 1958 and after meeting with the investigators, Mr. Moseley and Dr. Ford, and others, and discussing the proposed project in detail, recommended to the Accident Prevention Study Section approval of the project.

The Accident Prevention Study Section, however, recommended to the National Advisory Health Council disapproval of the project because of the limited administrative experience of Mr. Moseley, the cost per case to be investigated, and the small amount of time it appeared the co-investigator could devote to the project.

The application, along with the report of the Study Section was considered by the Council and approved to begin November 1, 1958 and an award of \$115,850 was made for the first year of project operation.

September 1, 1959: First progress report covering 30 cases studied during the period December 16, 1958 to July 15, 1959 indicated that "defective conditions" of equipment were found in 90 percent of cases. These were observations made by the principal investigator, Mr. Moseley, who acknowledged that "their meaning in a statistical sense will not be clear for some time."

October 5, 1959: Dr. Fox, Research Psychologist, Division of Accident Prevention, visited the project. They presented cases and mentioned administrative difficulties. Dr. Fox was impressed with their progress as well as their energy, thoroughness, and professional skill.

January 13, 1960: The Accident Prevention Study Section disapproved a request by Harvard for supplemental funds to provide additional space for the project team. The National Advisory Health Council approved the request in March 1960 but asked the Research Grants staff to negotiate the amount.

March 21, 1960: Dr. Richard R. Willey, Chief, Research Grants Branch, Division of General Medical Sciences and Dr. Sam Silbergeld, Research Grants Specialist, Research Grants Branch, Division of General Medical Services, visited the project to review progress and discuss report for supplemental funds as directed by the Council. Dr. Willey's report of March 25, 1960, after covering discussions held with various people concluded as follows: "It would seem to me the only course of action open to NIH is to deny the supplementary funds which have been requested for the procurement of additional space and urge Mr. Moseley to use his available funds to meet the space need and to focus the effort of his staff on the original research as outlined."

"I would *strongly* recommend that whenever a subsequent proposal from this investigator comes in for review that the full and detailed site visit be made by members of the Accident Prevention Panel. Dr. Silbergeld and I were not able to devote enough time to this visit to ferret out all the uncertainties which appear to surround it, but I have the distinct impression that all is not well."

Additional funds for space were disapproved and Mr. Moseley was informed by letter on March 30, 1960.

October 28, 1960: The second progress report was received. This report covered 75 cases. Again, while acknowledging that their sample was not statistically significant, Mr. Moseley reported that "Defects playing a role in producing a collision course or in preventing adequate control once a collision course has started are still high. If one included roll over cases in which the whole vehicle is suspect as deficient in design, the findings would be 82%."

The project continued in operation with the usual telephone contacts and official correspondence on routine administrative matters. Dr. Leon Goldstein of the Division of Accident Prevention began in his frequent contacts with the principal investigator to urge him to provide the Division of Accident Prevention the data to support the apparent conclusions of the investigators.

In July of 1961 the management of this grant was transferred from the Division of General Medical Sciences, National Institutes of Health to the Division of Accident Prevention, Bureau of State Services.

On December 13 and 14, 1961 Dr. Leon Goldstein visited the project at Harvard and in order to get some insight into the possible administrative difficulties, talked with Dr. Ross McFarland of Harvard who was familiar with the project and many of the people involved with it. Discussions during this visit further confirmed the presence of internal administrative problems. As a result of these meetings Mr. Moseley, the principal investigator, was invited to Washington to present his materials and discuss them with Dr. A. L. Chapman, Chief, Division of Accident Prevention; Dr. Barry G. King, Chief, Research Branch, Division of Accident Prevention; and Dr. Nathan Rosenberg, Research Psychologist, Division of Accident Prevention. This he did on December 28, 1961. At this meeting he presented only a few case histories to illustrate his conclusions. He was again asked by Dr. Goldstein to prepare a tabular summary of his findings on the 120 cases he had investigated.

The third progress report on this project was submitted on March 23, 1962, and it indicated that 23 auto accident cases had been studied during the period January 1, 1961 and December 31, 1961. No data analysis or conclusions from these cases was included in this report. The report discussed papers prepared, being prepared, and planned, and the need for expanding and possibly moving the project to another community to test and evaluate the procedures developed by the investigations for studying traffic deaths.

On May 17, 1962, Dr. Goldstein, in a letter to Mr. Moseley, the principal investigator, expressed hope that the administrative and operational problems

would become resolved so that the project could be satisfactorily continued. In the same letter Dr. Goldstein said, "If I may repeat a suggestion previously made, I think it would be extremely helpful to us and also to you if you would prepare a tabulation of findings out of the hundred-odd cases you have now accumulated. I think you can do this without apology for the possible peculiarities of your sampling, incompleteness of autopsy data or whatever else. I think a simple tabulation of what you do have could be extremely useful. I personally would appreciate it and I know that other researchers would appreciate it if you saw fit to make it available to them."

Early in July 1962 Mr. Moseley informed Dr. Goldstein that he was going to formally request transfer of the project to San Francisco. Dr. Goldstein arranged to visit Harvard on July 12 and 13, 1962 to review the rationale and justification for the move.

In a letter to Dr. Goldstein dated July 11, 1962, Mr. Moseley asked for approval to transfer his project from Boston, Massachusetts to San Francisco, California. Mr. Moseley, in letters of the same date, informed his co-investigator and the Associate Dean of Harvard Medical School that he had made the request.

Dr. Goldstein spent two days, July 12 and 13, 1962, in intensive inquiries and discussions at Harvard during which he uncovered many problems which required resolution.

Immediately upon his return Dr. Goldstein's findings were reported to and discussed with Division, Bureau and NIH officials to determine what steps should be taken to bring about a resolution of the problems. As a result of these discussions, on July 19, 1962, a letter was sent to Mr. Henry Meadow, Associate Dean for Research and Development, Harvard University Medical School, "requesting a full survey and analysis by the appropriate officials of Harvard University to provide sufficient basis for further decisions." On the same day (July 19, 1962) the Executive Officer, Bureau of State Services sent a memo to the Executive Officer, NIH, requesting that "coincidentally with the initiation of the survey and analysis by Harvard, a very detailed fiscal audit of this project be given highest possible priority."

On August 29, 1962 the Dean of the Harvard Medical School appointed the following individuals to conduct the survey and analysis requested by the Public Health Service:

Mr. Brue Campbell, executive vice president, Massachusetts Safety Council.

Mr. Jack Ewalt, professor of psychiatry, Harvard University.

Dr. Sidney Farber, professor of pathology, Harvard University.

Dr. James Goddard, Civil Air Surgeon.

Dr. Arthur Hertig, Harvard University.

Dr. Ross McFarland, Guggenheim professor of aerospace health and safety, Harvard University.

Mr. Henry Meadow, associate dean, Harvard University.

At the same time the Dean of Harvard Medical School indicated that he had requested Mr. Moseley, the principal investigator and Dr. Richard Ford, co-investigator and Chairman of the Department of Legal Medicine, to submit a full report by October 1, 1962.

The Committee met in mid-October 1962 and reviewed the material submitted. They requested that Mr. Moseley submit case reports to the Committee. Unfortunately Mr. Moseley was not able to complete this task because of illness which kept him from work from mid-November 1962 until February 1963. A limited amount of data was reviewed by the Committee in mid-April 1963. Dr. Goldstein was asked to meet with the Committee on April 25, 1963.

April 25, 1963—The Acting Chief, Division of Accident Prevention sent a memorandum to the Chief, Bureau of State Services recommending immediate termination of the grant and exploration of the advisability of requesting a restitution of funds by Harvard.

Meetings were held May 2, 3, 6, and 7, 1963 among Division of Accident Prevention, Bureau of State Services and the Office of the Surgeon General representatives, including the Acting Surgeon General, Dr. David Price. As a result of these meetings it was agreed that the project would be terminated promptly but that a request for restitution of funds would not be justified since Harvard and the investigators had pursued the research in accordance with the terms and conditions of the grant.

A copy of the report of the Harvard ad hoc committee was received May 10, 1963, by the Public Health Service and the project was terminated by letter from the Acting Surgeon General on May 15, 1963.

A thorough fiscal audit of the project was completed and allegations about misuse of funds were investigated by the Office of Investigations, Public Health Service. The Office of the General Counsel examined the complete audit report. No evidence to substantiate charges of the improper use of funds was obtained.

During the life of the project from November 1, 1958 to its termination, May 15, 1963, the Public Health Service awarded to Harvard \$598,608. On the basis of the final audit, expenditures totaling \$34,237.75 were disallowed. The residual equipment inventory showed a cost value of \$30,568. From this the Public Health Service recovered equipment valued at \$27,581 to use on other projects. The balance was disposed of as surplus and left at the University amounting to approximately \$3,000.

Overall evaluation of the project

In accordance with established Public Health Service grant policy, the research carried out by the investigator on this project was done under the overall supervision and administration of Harvard University. Both the Public Health Service grant policy and the policy of Harvard permit considerable freedom to individual faculty members or investigators to pursue their work and establish internal or external working relationships. We believe this policy to be fundamentally sound.

After a careful consideration of the report of the Harvard ad hoc committee, the Public Health Service accepted their evaluation of the project and their recommendation that it be terminated. Perhaps the greatest contribution of the project has been the stimulation of research interest and the alerting of the public as well as officials of the need for a better understanding of the actual causes of automobile accidents.

Individual case histories from this project did emphasize the need for a very careful and thorough investigation of *fatal* accidents. The possibilities of suicide and homicide, the possible role of pathological conditions in both drivers and pedestrians, and the need for a careful examination of vehicle components were highlighted.

(Reference material for this report will be found in the committee's files.)

Mr. KORNEGAY. You have laid considerable stress in your statement on alcoholism and problems resulting therefrom, and I congratulate you for recognizing this as one of the really big problems in this country today.

You are the experts, you are the scientists, but from a practical standpoint, and I feel I have had some practical experience in this area, having been a prosecuting attorney for many years and having prosecuted literally thousands of drunk driving cases or for driving under the influence. While I have no statistics to bear it out, I think you will find that it is not the chronic alcoholic that is causing many of these accidents, really; it is the young buck, or anybody, for that matter, who is not an alcoholic, who gets a couple of beers under his belt and goes out and really does the greatest amount of damage.

It has been my observation that an alcoholic or a man really soused, or a woman, too, for that matter they have a tendency to get on the highway and drive at an abnormally slow rate of speed. On the other hand, if you take a man who, as we say, is a little bit high, who feels like he is 10 feet tall, who feels like he has the world by the tail, he gets out and drives at extremely high rates of speed.

The drunk, whether an alcoholic or not an alcoholic, ought not to be on the highway, for he is dangerous. Of course, the speed of the vehicle at the time of the collision will have a great deal of effect on the severity of the collision and the damage resulting therefrom.

I would merely say that I would think any research that you do in this area as it relates to highway safety ought to include not just the

alcoholic, but the person who just occasionally goes out and gets beered up.

Dr. LEE. I would completely agree with you on that. I think you have put your finger on the major problem relating to alcohol, which is not the chronic alcoholic, but the average person who has had too much too drink prior to or at the time they are driving.

Mr. KORNEGAY. You might also find that many, many alcoholics don't even have a driving license, and don't drive.

Mr. FRIEDEL. The time of the gentleman has expired.

Mr. KORNEGAY. I thank you for your testimony, Dr. Lee.

Dr. LEE. Thank you very much.

Mr. FRIEDEL. Thank you for your appearance this morning, Doctor.

Dr. LEE. Thank you, Mr. Chairman.

Mr. FRIEDEL. Our next witness will be Mr. Heitzman, from Princeton, N.J.

STATEMENT OF EDWARD J. HEITZMAN, REPRESENTING AUTOMOBILE DEVELOPMENT ASSOCIATES

Mr. HEITZMAN. I represent Automobile Development Associates, Mr. Chairman, not Princeton University. Automobile Development Associates is a small automotive design, research, and consulting firm with offices in Princeton, N.J., and in New York City. I am research director of this organization.

Among ADA's fields of interest are vehicle aerodynamics, brakes and braking systems, suspension systems, structures, automatic controls, and analysis of and instrumentation for vehicle handling problems.

We are interested especially in two aspects of the automobile safety legislation now before Congress: those dealing with automobile tires and with accident investigations.

Our interest in tires is a natural result of activities in vehicle handling analysis and brake system design. When the Tire Safety Act of 1966, S. 2669, was before the Senate, there was some question whether tire grading was feasible. The question was put to our company by Mr. Ralph Nader.

In reply we prepared Automobile Development Associates Technical Report No. 4-1, entitled "A Tire Performance Rating System for Vehicle Safety."

This report outlines a tire grading system which includes those factors—load-temperature-speed endurance, cornering ability, braking ability, and wet-road behavior—which in our judgment importantly affect vehicle safety. It describes the tests which must be run to rate tires in each of these categories and the type of equipment required for each test.

This report was cited by Senator Gaylord Nelson when he amended S. 2669 to eliminate a 3-year grading feasibility study from the bill.

I would like at this time to offer this report for the record of this committee.

Mr. KORNEGAY (presiding). Without objection, it may be submitted for the files of the committee.

You may proceed.

(The report referred to will be found in the committee files.)

Mr. HEITZMAN. In the Senate hearings on S. 2669, it was claimed that tire grading is not feasible or desirable. Several reasons were given by Mr. Ross Ormsby of RMA and I shall summarize and paraphrase his remarks.

There are very wide differences between tires; in traction and antiskid properties, wear, varying section contours, cord and tread materials, and so forth. It would be impractical to develop a grading system which would accommodate choices in materials and designs as well as performance.

Different people want different characteristics in tires. One owner may value long wear, another quiet running, another traction and non-skid, others a very soft ride.

With such a complex product in such a complex market, any system of tire labeling would be so oversimplified that it would mislead rather than aid the consumer.

The consumer needs to know many facts about his tires, but this information can best be given him by the tire dealer and by the descriptive literature made available to him at the point of sale or elsewhere.

An oversimplified system of grading and labeling would also encourage manufacturers to conform closely to the established grades by eliminating product differences. This would rob the consumer of his wide range of choice, and it would tend to stultify the industry's initiative in research and its spirit of innovation and product improvement.

In reply to these points, I would like to say first that construction details and cord and tread materials should have no part in performance standards. I do not see why we should worry about the number of plies in a tire, its cord angle, or anything else about it, if its performance is good.

We recognize that many engineering tradeoffs are involved in the design of a tire. No simple, single letter-grading system can suitably take into account the many legitimate design criteria.

For this reason, the tire grading system proposed by ADA has separate grade ratings in four different performance categories: temperature-load endurance, braking ability, cornering ability, and wet road performance. Such a system lets the tire buyer make his own value judgments.

A grading system of this type should encourage tire manufacturers to compete on the basis of actual performance, rather than on vague generalities. It is interesting that in recent weeks the U.S. Royal "Tiger Paw" advertisements make the following claims:

1. The tires are capable of running 500 miles at 120 miles per hour.
2. They out-accelerated other leading tires, brands A, B, and C.
3. They cornered better on dry roads than A, B, and C.
4. They stopped and cornered better on wet roads than A, B, and C.

It is remarkable that these are the same performance categories used in ADA's proposed grading system. The essential difference is in the public visibility and objectivity of the tests proposed by ADA.

The grading system proposed by ADA is intended to provide the tire buyer with sufficient quantitative information for an intelligent decision on his tire requirements. Such information is not now available to him.

A legitimate objection to ADA's grading system is that its complexity requires a certain sophistication on the part of the tire buyer. Our reply is that a tire is a sophisticated product. Its performance is important to safety. Performance information should therefore be available for those who want it.

A tire grading system reduced to its simplest practicable form would have two categories: high, medium, or low speed, and premium, first, and second line.

Preferably, the speed designation would be given as a design safe speed at full load and 150° Fahrenheit ambient temperature. Premium quality would mean performance superior in all respects to very rigorous, publicly visible standards. First and second line would imply performance superior in all respects to somewhat relaxed standards.

The difficulty with this system must be recognized. Design trade-offs, such as tread life for adhesion, cornering ability, for ride quality, and so forth, will be slanted toward achieving good enough performance for a given quality grade, with little incentive to do better. However, this situation will be better than this present one, in which there is no certainty at all as to what quality grades mean.

I want to emphasize these points. Any standards should have public visibility, and they should concern performance rather than tire construction details such as number of plies, cord materials, and so forth. Tire grading is entirely feasible, but careful tradeoffs must be made between comprehensiveness and simplicity. We know how to run all the necessary tests, and the required test equipment is not difficult to obtain.

The second area of legislation that I wish to comment on is that pertaining to accident investigation. The missing link which hinders all honest efforts toward automobile safety is the great lack of reliable data.

For example, we don't really know to what extent accidents are caused by faulty tires. We know much less about how many are caused by new tires which have failed without mistreatment, how many by old tires, and so forth. When we have a standardized nationwide system of accident investigation, in which tire condition will be recorded as a matter of course, such questions can be answered in a statistically meaningful way.

Similar questions exist in all aspects of automobiles safety. A research program at Princeton University is concerned with the controllability of automobiles with human drivers. A primary goal of the research is an understanding of the mechanisms involved in "single car accidents" in which the driver-car combination behaves so unstably that it leaves the road. But in order to relate results derived from theory and controlled experiments to accident probability, much more comprehensive accident information will be needed.

When accidents occur, which portions of the interior are so lethal that they should require modification? For example, if in 100 accidents the gear shift lever causes three injuries, will it cause 30 injuries in 1,000 accidents and 300 in 10,000?

The samples we have now are generally too small to draw statistically significant conclusions. They seem certainly too small to serve as good basis for demanding design changes in automobiles.

Future progress in automotive safety depends more than anything else on high quality, detailed data on driving situations which produce accidents, and on exactly what happens immediately before, during, and after impact. For this reason, I want to strongly urge the passage of legislation which will set up a uniform, comprehensive national system of accident investigation.

Thank you.

Mr. KORNEGAY. Thank you very much, Mr. Heitzman.

Mr. Younger, have you any questions?

Mr. Satterfield?

Mr. SATTERFIELD. No questions, Mr. Chairman.

Mr. KORNEGAY. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

Are you familiar with the Staggers tire bill which is before the committee?

Mr. HEITZMAN. Not as such. I have read some of the tire bills, but not by name.

Mr. YOUNGER. You are not in a position, then, to advise the committee whether or not the Staggers bill that is now pending before the committee is a satisfactory bill from your standpoint?

Mr. HEITZMAN. No, sir; I am not. I asked for a copy of the bill yesterday and none were available.

Mr. YOUNGER. It was not available?

Mr. HEITZMAN. I would like to read it and comment on it.

Mr. YOUNGER. I think we can get you a copy. They are available.

I would like very much to have you comment specifically on the bill that is before the committee.

Mr. HEITZMAN. I would like to.

Mr. YOUNGER. I will see that you get a copy and will you file a report with the committee?

Mr. HEITZMAN. Yes, sir.

Mr. YOUNGER. Thank you.

Mr. KORNEGAY. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. Heitzman, I want to express my appreciation for your coming down here at your own expense to testify before this committee. We have needed to hear from expert witnesses and I certainly consider you one, although I would not consider you an expert politician or you would not refer to your organization as the ADA. You might lose some votes right there unless you clarified it.

I have in my hand S. 2669, popularly known as the Magnuson tire bill, officially entitled "The Tire Safety Act of 1966," which passed the Senate unanimously. I don't think the information process is so bad that you have not gotten a copy of this.

Mr. HEITZMAN. I have read the bill.

Mr. MACKAY. I do not know whether it is identical to Chairman Staggers' bill, but you have objection to the Magnuson bill as it passed the Senate?

Mr. HEITZMAN. No, sir.

Mr. MACKAY. Do you think it is adequate?

Mr. HEITZMAN. It allows for the setting up of standards and so forth, but it does not spell out in detail what they will be.

Mr. MACKAY. That is our job, to write the legislation. A lot of these technical points are beyond our function.

Mr. HEITZMAN. Yes. I have no objection to the bill as far as it stands.

Mr. MACKAY. I would like to hear you comment on Mr. Staggers' bill if it differs in any respect from this and give us your opinion as to which is superior.

Mr. HEITZMAN. Yes, sir.

(The information requested follows:)

COMMENTARY ON THE STAGGERS TIRE BILL, H.R. 13666 AND ON THE MAGNUSON BILL, S. 2669

The only significant difference between the Staggers bill, H.R. 13666, and the Magnuson bill, S. 2669, is in section 10 of both.

According to S. 2669 the Secretary of Commerce "shall within two years after enactment publish a uniform quality grading system for motor vehicle tires".

According to H.R. 13666, on or before January 31, 1969, the Secretary shall "make recommendations with respect to the implementation of such uniform quality grading system as he may find to be feasible".

It is my considered opinion that tire grading is feasible in the engineering sense, and that a practicable, useful system could be designed and developed within two years. I think, therefore, that the wording of S. 2669 is preferable.

I think it is important that I draw careful distinction between technical feasibility, which is an engineering matter; system design, which involves consumer education; and advisability, which is a matter for political scientists.

From the strictly technical standpoint I see no reason why we are not able to establish a grading system which will show quantitative differences between tires in each of several aspects of tire performance. One such system is described in Automobile Development Associates Technical Report No. 4-1, which has been supplied for the Committee files. The tests described in report No. 4-1 are based on test equipment which is either in operation at several places in the United States or easily modifiable from existing equipment. It should be noted that this report presupposes minimum standards for carcass strength and tire size.

The tests described cover only those aspects of performance which affect vehicle safety. As discussed in the report, consideration of ride and wear are also of interest to consumers. These factors could be included as additional categories; however, they cannot be justified as safety factors.

As discussed in the report and in my testimony of May 11, a comprehensive grading system becomes rather complex, but provides information and lets the tire buyer make his own value judgments. With each successive simplification, these value judgments are made by the authority setting up the grading system. The design of a grading system to optimize the necessary tradeoffs and the dissemination of information about the usefulness of the system is more a matter of education and/or advertising than of engineering.

The simplest useful system would probably have two categories, i.e., heavy, medium, light duty, and high, medium and low speed. Speed ratings are preferably given numerically, as maximum safe speed for continuous running at max recommended load. Such a system, e.g., HD-90 (heavy duty, 90mph) is certainly easier to understand than the nomenclature now used for motor oils, which have viscosity (e.g., SAE 30) and service (e.g., HS, MS, LS) designations.

The separation between speed and duty is deliberate and perhaps necessary. A good high speed tire is usually light-weight, with thin walls, in order to promote heat dissipation. A heavy duty tire, with more tread rubber, etc., is, other things equal, a poorer high speed tire. (Unfortunately, a tire which is both heavy duty and high speed at normal 24 psi pressures will most probably not give a very good ride.)

Of interest when considering the advisability of grading is the information now available to the consumer. It seems to me that the principal factors in tire selection at this time are price, advertising "image" and the aggressiveness in appearance of the tire tread design. Factual information on actual, quantitative, performance differences are not available.

A tire dealer and recapper, with 20 years in the business, recently told me that tire grading would be the best thing that could happen to the industry. He said that, when preparing for a trip to Florida, he himself didn't know which tire would be best to put on his own car.

As an example of the kind of information now available to the tire buyer, I would like to offer for the Committee record or files a copy of the Goodyear Engineering Data Book—Passenger Tires. The dimensions given for each tire are fine. However, the information given for each tire is almost entirely irrelevant for one interested in performance differences. Such interesting claims as "Bonus of tri-grip traction" and "Cat-sure stops and starts" are not, in my opinion, "engineering data".

In contrast to the tire situation, the buyer of a battery is told, if he asks, the ampere-hour capacity of a battery at a twenty hour discharge and at a one hour discharge, plus engine cranking duration at 32 degrees Fahrenheit. These figures are obtained in tests standardized by SAE. The SAE also grades motor oils, for the benefit of the consumer, and brake fluids, for safety.

I am not going to argue about the relative complexity of lubrication and tire problems. However, I think that several statements from the SAE J 303 standard may be appropriate.

"To avoid confusion resulting from these (recent) developments and to provide a more satisfactory system for lubrication recommendations the Lubrication Committee of American Petroleum Institute formed a new system based on service classification * * *."

"This classification describes and classifies in general terms the service conditions under which engines operate. The oils which perform most satisfactorily in a given engine under each service classification can be selected with confidence only after a series of performance tests."

Tests described are for oxidation resistance, detergency, wear resistance, etc. Service classifications for automobile engines are MS (most severe), MM (less severe), and ML (moderate). Corresponding classifications for diesels are DS, DM, and DG.

It is important to note that this is a grading system, based on performance tests. A motorist can buy one brand of MS motor oil and feel confident that its performance is equivalent to that of any other brand.

I claim that tire grading is completely feasible in an engineering sense, and that a carefully designed system will be useful in giving quantitative information to the consumer. The remaining question, that of advisability, is one for political scientists to answer. Tire performance (even aside from immunity to catastrophic failure) is an important factor in vehicle safety; how important we cannot know, without a great deal of additional research.

When I combine my personal opinion (selfishly motivated) on advisability with my professional opinion on feasibility, I conclude that the wording of the Magnuson bill S. 2669, is preferable.

If the Staggers bill is to be considered, with "feasibility" and "advisability" considered as synonymous, then I think that the recommendations of the Secretary of Commerce could be given within one year after passage of the bill, and publication of the grading system could be done within one additional year.

Mr. MACKAY. Are you familiar with the Vehicle Equipment Safety Commission?

Mr. HEITZMAN. I have heard of this.

Mr. MACKAY. As I understand it, the VESC has now adopted standards for tires.

Mr. HEITZMAN. That is right.

Mr. MACKAY. Are you familiar with them?

Mr. HEITZMAN. Yes, to some degree.

Mr. MACKAY. Will you state your opinion as to their adequacy?

Mr. HEITZMAN. The only objection that I would state is I think any minimum standards or any standards for tires should be based on the most severe wear that a tire would have in actual service in the United States. For example, the high speed, so-called high speed, test is, I believe, run at 85 miles an hour with what amounts to 80 percent of the rated load of a tire.

The test calls for the rated load for 24 p.s.i., with the tire inflated to 30 p.s.i. According to the load rating chart, this is really 80 percent of the 30 p.s.i. load.

Mr. MACKAY. Again, we are getting into a technical discussion which I am not able to comment on, but I would like for you to state briefly what your own personal qualifications are as an expert with reference to tires.

Mr. HEITZMAN. My field of expertise is automobile dynamics and braking systems, and control systems for cars. The forces generated between the automobile and the road all come through the tires.

Mr. MACKAY. Do you feel that you would be qualified to evaluate the adequacy of the VESC procedures in arriving at their tire standards and the tire standards themselves?

Mr. HEITZMAN. Some aspects of them, yes.

Mr. MACKAY. Would you be kind enough to try to furnish me by letter your opinion on that?

Mr. HEITZMAN. Certainly. That is, those aspects which are within my field of expertise.

Mr. MACKAY. The reason I am concerned about this is that the Automobile Manufacturers' Association is asking us to look to the VESC as an appropriate means of consulting with the States.

Mr. HEITZMAN. In general, I would say, as I mentioned before, that any standards should represent severe conditions. For example, temperatures, ambient temperatures, measured 2 feet above black-top pavement, in the summertime in New Jersey, can reach 150° F.

If your standards call for an ambient testing temperature of 100°, this is not adequate in my opinion.

Mr. MACKAY. That is why your professional opinion as to the adequacy of VESC procedures in arriving at whatever they arrived at would be helpful.

The administration has not submitted any testimony as to the cost of gathering data and what they propose to do by way of gathering data. You suggested some information you would like to have. Do you feel professionally qualified to talk about the mechanics of gathering data and what data ought to be gathered, and the cost of it?

Mr. HEITZMAN. I have strong feelings on some aspects of data that should be gotten which would allow better research in my field of interest.

Mr. MACKAY. Any additional information you could furnish would be appreciated.

Mr. HEITZMAN. Certainly.

(The information requested follows:)

COMMENTARY ON THE VESC TIRE STANDARDS

I would first like to make some general observations.

1. Parkinson's well-known Laws of Economics have their engineering counterpart in the so-called Murphy's Laws, which can be stated:

(1) If there is any possibility whatever of a mechanical device going wrong, eventually it will.

(2) Any device which is not absolutely and completely foolproof will assuredly be used by fools.

(3) Breakdowns invariably occur at the most embarrassing times.

Safety standards should be drawn up with Murphy's Laws clearly in mind. It is impossible to make any mechanical system foolproof. However, standards should be based, not on what people are supposed to do, but what they

actually do. The starting point for standards should be analysis of environmental factors, such as temperatures on and directly above road pavements in various parts of the country and at various times of the year, operating factors, such as the higher speeds at which people drive (by observation and participation, this is typically speed limit plus 9 mph); and human foibles, determined by measurements of car loads and tire pressures in turnpike service areas.

2. When laboratory tests are used in testing against standards, they should reflect, and be completely equivalent to, actual road service.

3. Standards should be publicly visible. When a test described is a laboratory test, correlation between the lab test and comparable road test should be documented in published reports, for scrutiny by disinterested persons in the engineering and academic communities.

Both the VESC and the Rubber Manufacturers' Association tire standards were developed from the SAE J-18 tests. The VESC V-1 Standard is identical to the J-18, except for provision of a cut growth test. The RMA Standard for 1965 is identical to the J-18; but for 1966 some of the RMA test loads were increased by 15-20 percent over the J-18.

The proposed Automobile Development Associates Rating System, which was offered as a possible basis for some aspects of minimum standards, was developed "from a clean sheet of paper". However, it is not fully developed, and is not operational.

Individual categories under which the tires should be tested are overload tolerance, speed, carcass strength, cut growth, bead unseating, lateral stability, braking, and wet road performance. Existing or proposed tests are as follows:

Tire endurance or overload tolerance (SAE, RMA, VESC)

The tire is conditioned for three hours at a temperature of 95 to 105 degrees F. The pressure is then adjusted to 24 psi. The tire is then run on a flat-faced steel wheel 67.23 inches in diameter, at a constant speed of 50 mph, at specified loads. Loads for the SAE J-18 and VESC V-1 tests are as follows:

One hour at 100 percent rated load.

Four hours at 120 percent rated load.

Twenty-four hours at 140 percent rated load.

"Rated loads" are the recommended design loads of the Tire and Rim Association 1965 Yearbook, as shown on page 4 of the Goodyear Engineering Data Book and on page 66 of the Senate Hearings on S 1643 (Magnuson Committee), for a three passenger load.

The RMA standards uses the 1966 Tire and Rim Association tables for determination of rated load. These are 15 to 20 percent higher than the corresponding 1965 ratings. However, RMA uses less than 20 and 40 percent overloads for the latter, more important tests.

Typical loads, for a 7:00 x 13 tire, are as follows:

[In pounds]

	VESC and SAE (1965)	RMA (1966)
1 hour at.....	920	1,000
4 hours at.....	1,100	1,180
24 hours at.....	1,280	1,298

A tire passing an endurance test should be expected to last 1700 miles, at highway speeds, at loads in excess of that expected with any conceivable vehicle loading.

The test temperature ($100^{\circ}\text{F} \pm 5^{\circ}\text{F}$) used in the above tests is considerably less than typical summertime temperatures above blacktop pavement in the United States. Also, typical turnpike speeds are 65-80 mph, while 50 mph is used in the tests. Tractive effort on driven wheels is also absent in these tests.

It can be argued that a tire undergoes convective cooling due to its motion while on the road, but not in the still air of the laboratory. It can be argued

further that the curvature of the testing drum increases the deflection of the tire and therefore the test severity. The combination of these two factors may well satisfy the above objections. Data on the actual road equivalent of the laboratory endurance tests should be made available in published reports, so that their true severity can be evaluated.

"High Speed" (SAE, RMA, VESC)

The tire is inflated to 30 psi and conditioned for three hours at $100^{\circ}\text{F} \pm 5^{\circ}\text{F}$, when the pressure is readjusted to 30 psi. The 67.23 inch diameter drum is used. The load is set at recommended 3 passenger design load for the tire for 24 psi. The test sequence is as follows:

Fifty mph for 2 hours.

Seventy-five mph for $\frac{1}{2}$ hour.

Eighty mph for $\frac{1}{2}$ hour.

Eighty-five mph for $\frac{1}{2}$ hour.

This test seems to be intended to simulate a three passenger load at turn-pike speeds, with an owner cautious enough to superinflate his tires even for a $\frac{1}{2}$ hour run. The same questions of low ambient temperature versus still air and drum curvature occur.

In my opinion this test is completely unrealistic, on several grounds. It has been my observation that a significant proportion of cars which are traveling at maximum legal speeds or slightly above are fully loaded; so that the test load should be that for a fully loaded car. The duration of typical turn-pike runs (at least when small children are not involved) is limited mainly by fuel tank capacity, or about 300 miles or 4 hours. Because many people do not superinflate their tires before a trip, initial pressures should be set to 24 psi.

These remarks suggest that the high speed test and the load-endurance test might reasonably be combined into a single test.

Speed—Load endurance (ADA)

The "Temperature—Load Endurance Test" proposed by ADA would use a 150 degree F ambient temperature, and speed of 100 mph. The ADA overload of 25 percent is figured on a different basis, but is between the 20 and 40 percent overload of the VESC, SAE and RMA endurance tests.

The ADA proposal is intended to combine the endurance and speed tests of the other standards. It was put forth for grading purposes, with the provision for a minimum allowable performance for minimum standards. It can be criticized as having and unrealistically high test speed. The arguments given about cooling and drum curvature can also be used to criticize the ADA proposal as being too severe.

Cut growth (VESC only)

Four groups of cuts, one cut in each groove, are placed circumferentially around the tire, spaced at 90 degrees, prior to the endurance test. The cuts are to be one-fourth inch long and one-sixteenth inch deep. At the end of the endurance test there should be no evidence of tread, ply, cord, or bead separation or broken cords. The final total length of the cuts should not exceed $3\frac{1}{2}$ times the length of the original cuts.

I am not qualified to comment on this test. I don't know what it is supposed to represent.

Tire strength—Breaking energy (SAE, RMA, VESC)

After the endurance test, a cylindrical steel plunger $\frac{3}{4}$ inches in diameter with a hemispherical end is forced into the tire tread when the tire is mounted and inflated. For each size tire and ply rating a specific energy value has been established as the minimum breaking point.

I would only comment that it might be useful to use a specified non-breaking energy value (perhaps equivalent to a curb strike) midway in the endurance run, in addition to or instead of the breaking test at the end.

Bead unseating (SAE, RMA, VESC)

A standard block is forced against the sidewall until the bead unseats. The unseating force must be greater than 2500 pounds.

This test is meant to be equivalent to a side-skidding tire or one glancing off a curb. It seems reasonable to expect that a tire passing this test should be free from "air out" problems in skidding.

Bead unseating is included in the ADA proposed cornering ability test, by running the tire overloaded and underpressured at high slip angles. It is under this condition that "air-out" might be expected to occur.

Cornering ability (ADA only)

A rating number is obtained from the product of side force per unit slip angle at three degrees slip angle, multiplied by side force per unit load at twenty degrees slip angle. Tests are run at rated load and pressure and at 70 percent pressure combined with 125 percent load, and averaged to get one number. If bead unseating occurs at the underpressure-overload condition, the cornering force developed will drop drastically, and the rating number will be greatly diminished.

The combination of side force per unit slip angle and ultimate force per unit load anticipates the possible objection of changing characteristics during the life of the tire. As a tire gets "broken in" the first quantity decreases by about ten percent, and the second quantity increases by about ten percent, so the net result is substantially the same.

Braking ability (ADA only)

A "mean effective braking" is used, which is obtained from the area under a brake force-slip ratio curve, as slip ratio is varied from 0% (rolling) to 100% (skidding). This quantity is intended to combine four criteria: initial slope of the brake force-slip ratio curve, maximum instantaneous braking, (as with an ideal anti-skid brake), initial skidding, and prolonged skidding. Several road surfaces are to be used and averaged.

Wet road behavior (ADA only)

The braking test is run on several types of wet pavement, and the results are averaged. The result is multiplied by the speed at which hydroplaning begins, to obtain a grading number. For minimum standards use, braking and hydroplaning could be separated.

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. KORNEGAY. Mr. Watson?

Mr. WATSON. Mr. Chairman, I have two questions.

Mr. Heitzman, so that we might have some background information on the Automobile Development Associates, when were you organized and how are you financed?

Mr. HEITZMAN. This information is in the report with which you have been provided.

(The following information was subsequently received by the committee:)

BACKGROUND OF AUTOMOBILE DEVELOPMENT ASSOCIATES

Mr. Watson asked about when Automobile Development Associates was formed and how it is financed. I replied that that information was included in the report supplied to the Committee. I had missed the "how it is financed" part of the question, and since that information is not in the report supplied, I should like to fully answer the question now.

Automobile Development Associates is at present a partnership. It will probably be incorporated later this year. As indicated in Appendix II of Report No. 4-1, it is intended as a predominantly part-time operation, with a professional staff serving on an as-needed consulting basis. In general, the professional staff will be otherwise employed. With this type of organization, which may be temporary, contracts are not necessary for survival, and we can choose those which promise to be challenging and constructive.

We have at this time three research contracts, totalling \$37,000; for an analysis of handling qualities, a suspension system design, and a wind tunnel test. A vehicle performance instrumentation program and an anti-skid brake design program are being negotiated. We are looking for a sponsor for a theoretical study of tire design parameters, with the provision that it be useable for a Ph. D. thesis.

Because of previous agreements, work cannot begin on any of these programs until 1 July of this year.

Technical Report No. 4-1 was prepared as a public service. Another report, on anti-skid braking systems, is now in preparation on the same basis. The motivation for such projects is partly altruistic and partly for demonstration of professional capability.

Mr. WATSON. Thank you.

My 12-year-old boy has been after me to buy some Tiger Paw tires and I have not been able to explain to him other than the economics, that I can't afford them, as to why I should not buy them. But I notice on page 2 of your testimony you state U.S. Royal has rated Tiger Paw as 1, 2, 3, and 4, and so forth.

I imply from your statement that you contend that this rating by U.S. Royal is not based upon actual tests or is misleading. Is that implication correct?

Mr. HEITZMAN. No, it is not. I am sure it is based on actual tests, but they have publicized the results of tests and apparently there is no way of finding out how the tests were run or specifically what the tests are.

Mr. WATSON. The next question, Mr. Heitzman, and I think we can answer it to a few words, is this: If this is a mere contention and not based upon an objective test, has your company tested this particular tire in these four categories and, if so, wherein did your test and results differ from the contentions of the U.S. Royal Co.?

In other words, have you made a test of this tire?

Mr. HEITZMAN. No, I haven't.

Mr. WATSON. Thank you very much.

Thank you, Mr. Chairman.

Mr. KORNEGAY. Thank you, Mr. Heitzman, for coming in and giving us the benefit of your testimony.

Did you have a further statement?

Mr. HEITZMAN. May I say that my report deals with feasibility. The conclusion is that these are tests which can be run and on which a system could be based. The report is not addressed to advisability or any other considerations.

Mr. KORNEGAY. Yes, sir; I understand.

Thank you very much.

Mr. HEITZMAN. Thank you.

(The following material was subsequently received by the committee.)

ADDITIONAL TESTIMONY REGARDING TIRE LEGISLATION

In conversation after my formal testimony, the Committee also expressed a desire to have my replies to the following questions:

1. What factors are considered by manufacturers in deciding on tire size?
2. What are advantages and disadvantages of using larger size tires?
3. Should larger tires be fitted to cars, or conversely, should the maximum permissible load for each size of tire be set (Section 5b of HR 13666 and of S 2669) such that larger tires would have to be fitted?
4. What do manufacturers actually pay for tires?
5. Are four ply tires preferable to two ply tires? (With reference to Mr. Abersfeller's testimony.)

I understand that these questions may be important in further considerations of tire legislation. I will therefore answer them to the best of my ability.

I. I have no direct experience in selection of OEM tires for production cars, and it is therefore important that my remarks be interpreted as only those of an academically interested outside observer. I know that tire selection is made after a great deal of discussion and collaboration between auto maker and tire manufacturer. The general consideration is satisfaction for the greatest number

of customers. According to my impressions, factors, more or less in order of importance, are as follows:

1. Blowout resistance: If a tire blows or fails in any way, the driver will undoubtedly blame the car manufacturer, and will possibly buy a different make of car next time. Perhaps some of his friends will, also.

2. Tread life: The so-called average car buyer, who buys a new car every two years, is unhappy when he has to spend money on his car during that two year period. Tread life, under reasonable driving conditions, should therefore be in the order of 25,000 miles.

3. Ride and handling qualities: These two factors have often conflicting requirements, which must be balanced to please the largest number of potential customers.

4. Miscellaneous design factors, such as the need to get a reasonable size brake inside the wheel (one reason for the trend back to 15 inch wheels), appearance, potential passenger or trunk space taken up by wheel wells, etc.

5. Cost: It may seem strange to place so little importance on this factor. However, it must be remembered that tire behavior is very apparent to the car owner, and it important to his overall satisfaction with his car. It would therefore be quite silly to spend \$50 to \$100 per car on TV and magazine advertising, and try to save a few cents per car on tires.

II. The advantages and disadvantages of installing larger tires on a car are, in my opinion, as follows:

1. Poorer ride, due to increased "harshness" over tar strips, etc.

2. Better or poorer handling, depending on your definition of good handling and on the individual car. Because the slope of the side-force/slip angle curve is less convex in the operating range with larger tires, the effectiveness of an anti-sway bar is reduced. Most cars will therefore understeer less. Larger anti-sway bars could be fitted, but "diagonal ride" would be adversely affected. Ultimate cornering power (the lateral acceleration at which incipient side-skidding occurs) will probably be slightly higher, but wet-road behavior might be slightly worse.

3. Longer tread life.

4. Larger factor of safety, i.e., better tolerance to mistreatment, underinflation, etc. In general, a larger-sized tire at normal pressure is equivalent to a normal-sized tire at increased pressure; however, it is less susceptible to cuts and bruises.

5. Slightly higher cost.

According to the above remarks, if larger tires were fitted, those who mistreat or underinflate their tires would be safer, but those who properly care for their tires "by the book" would pay a penalty.

It should also be remembered that automobile manufacturers fit "first line" tires on production cars, and that the normal factor of safety may be significantly less if "cheapie" replacement tires are installed by second or third owners. Such owners might be better off if larger tires had been fitted originally.

III. It seems to me that recently the thrust of our society is toward protecting minorities, even if from their own ignorance or carelessness. As noted before, those who "mistreat" their tires, or who buy the cheapest replacement tires they can find, would be better off with larger tires, while others would be penalized. But it is not possible to make tires foolproof, and data of statistical significance (i.e. reliability) on inflation pressures actually used, frequency of tire failure, etc., is not (to my knowledge) available. Tire selection is, as noted before, a compromise, so that an unnecessarily large factor of safety is poor engineering. Specification of maximum loads by Federal Authority puts an outside constraint on the compromise process. This constraint may be beneficial or detrimental, depending on the realism of the maximum loads prescribed. One advantage of outside constraint is that all cars are affected equally.

IV. I want to be very careful to put costs in their proper perspective. A tire is unusual in that it is at the same time an integral component of a car and a consumer item itself. It is well known that in general, the manufacturing cost of any consumer item is only one of many costs, and indeed may be small when compared with shipping, storage, markup by successive "middlemen", dealer markup, "free" installation, and advertising. I once saw costing figures on an 89¢ tube of toothpaste. It ran something like 40¢ for markup, 40¢ for advertising, 7¢ for miscellaneous, 1¼¢ for the tube, and ¾¢ for the toothpaste. If someone were to buy, in 50 gallon drums, half a year's normal production of this toothpaste; and package, advertise, ship, and sell it himself, his "cost" would certainly not be what he paid for the toothpaste itself.

In the case of the automobile, the tire is as much an integral part of the car as the carburetor. Besides excise taxes, shipping, and installation of the tire itself, all other "costs" of the entire car, including overheads, facilities, depreciation, shipping, car advertising, markups, etc., should have some portion applied to the tire "cost". The OEM purchase price of the tire is only one factor in that tire's cost to the car manufacturer, and a realistic tire cost may be almost impossible to determine.

The factors just outlined are easily misinterpreted or ignored. Therefore, to prevent unwarranted consumer outrage, as well as because of competitive factors, all cost figures are usually obfuscated by industry in general.

Ballpark figures for OEM prices can be estimated by working backwards from the tire dealer and estimating markups along the way. I have not done this, since I am not a lawyer, accountant, or businessman and am therefore not qualified. The following can be considered as entirely supposition. If a tire which lists at \$18 can be obtained, installed, at a 2 for 1 sale, the price to the dealer is probably less than \$8. If the dealer had obtained it from a distributor who in turn had gotten it from a regional warehouse, when shipping, storage, labor and administrative costs are figured, the \$8 would be considerably reduced. Advertising costs per tire, which can be estimated by dividing agency fees by yearly production, may account for another 25¢ per tire. The automobile manufacturer certainly does not pay for a tire manufacturer's advertising; indeed, it would seem (to me) to be logical and proper for a tire manufacturer to put an extra OEM discount in his advertising budget, because of the likelihood of an owner replacing his tires with the same make. Other potential discount factors are the reduced unit manufacturing cost for all tires because of the additional volume provided by the OEM market, the bookkeeping savings when one uses takes 5 million tires as compared with 50,000 users taking 100 tires each, and the obvious bargaining leverage a buyer of half a year's production can exert in a highly competitive business.

Because of recent sensationalism and the possible misinterpretation of OEM figures (to which at least should be added Federal Excise Tax, shipping and installation), because I may be prejudiced by hearsay evidence, and because even such hearsay is proprietary information, I believe it would be unethical for me to comment more explicitly on numerical cost figures.

V. It is my opinion that four ply tires are not, per se, superior to two ply tires. For example, when I recently replaced the tires on my own car, I bought two ply tires.

A universally recognized high quality tire, (the Michelin X) has only one ply in the sidewall and two more in the breaker strip or tread area. Depending on definition, this is a one ply or a three ply tire. The plies, however, are of high strength steel cord. I mention this as an example of the dangers of dogmatism, which might prevent performance improvements resulting from technical innovation.

I read of Mr. Abersfeller's testimony on the inadequacy of two ply tires, but I have not seen the supporting evidence. I understand that this evidence will be released in a few weeks, and I would be glad to comment on it at that time. Because of the size of the GSA fleet, if they have kept records on equipment failures, data of statistical significance may be available. There's little arguing with actual failure incidence records, if they are properly documented.

It occurs to me that GSA may be in a position to accumulate a good deal of high quality data for automotive safety research, if their budget permits it.

Mr. KORNEGAY. Our next witness is Mr. Kamm.

Would come forward, please, Mr. Kamm?

STATEMENT OF IRMIN O. KAMM, ASSISTANT MANAGER, TRANSPORTATION RESEARCH GROUP, STEVENS INSTITUTE OF TECHNOLOGY, HOBOKEN, N.J.

Mr. KAMM. Mr. Chairman and members of the committee, my name is Irmin O. Kamm. I am assistant manager of the Transportation Research Group, Davidson Laboratory, Stevens Institute of Technology, in Hoboken, N.J.

For the past 15 years we have conducted a wide variety of research studies concerning the behavior, performance, and safety aspects of motor vehicles. Our latest programs include analytical and experimental studies of the tire hydroplaning phenomenon, the relation of highway accidents to physical road characteristics, methods for using scale models to evaluate effects of vehicle-to-center-barrier impacts, and stability studies of automobiles, tractor-trailers and experimental highway trains.

In fact, it was my father, Dr. W. I. E. Kamm, who has devoted his life to the directional stability of the motor vehicle and pioneered the automotive stability research in Europe and, while at Stevens, in the United States. In addition, we have conducted a large number of projects directed toward improving the capabilities and mobility of military vehicles.

Because of our efforts to make the automobile a better and safer machine, and because the general advances made are so frustratingly slow, I feel obligated to make comments on three motor vehicle problem areas which concern me greatly and which, I feel, have not had their proper share of the attention.

1. Practicality of generating the data necessary in support of proposed tire grading system: I endorse the tire rating system recently proposed by the Automobile Development Associates. The proposal represents an excellent starting point for the proper grading of automobile tires, and, for the first time, will present to the customer who cares a rational method of selecting tires.

This method, of course, is not the final answer, and certainly, future research will yield changes and refinements to improve the system presently proposed.

Criticisms have been leveled at the proposed system on the grounds that techniques and equipment for generating the necessary data do not exist. On the basis of my own work, and my understanding of work performed by others. I strongly disagree.

Tire testing facilities do exist today in research laboratories and industry of the Nation and foreign countries capable of conducting the tests required. Data of this type is presently being produced in support of research on automotive handling characteristics. Consumer products testing laboratories in foreign countries establish these tire performance factors for the education of their subscribers. The tire industry already performs endurance tests in their own laboratories. Other equipment exists today which is used to study the skid properties of tires on pavements.

The technical know-how required for setting up such facilities is therefore available right now. Any competent testing laboratory can construct and/or obtain the necessary testing equipment, and inaugurate a full testing program after a relatively brief educational and familiarization period.

We do not need additional time to establish feasibility—this has been done. Concerted efforts now can concentrate on implementing a practical and so necessary "uniform grading system."

2. Directional stability and controllability of motor vehicles: The emphasis right now is on properly packaging occupants of a vehicle

to minimize injuries in case of an accident. Equally important, is an attempt to prevent as many accidents as possible. One of the requirements for such prevention is that the driver have full control over his vehicle at all times.

As matters stand today, vehicle design does not reflect the latest knowledge available. One of the areas of lag is the directional stabilities of vehicles.

Directional stability is the property which allows a vehicle to maintain its course, regardless of external disturbing forces. Contemporary automobiles exhibit wide variations of this property. All vehicles depend on the driver's capabilities to maintain a planned course but some demand greater attentiveness and proficiency than others. Much research is needed on the interaction of driver-vehicle and road, but we know that when driver capability is exceeded, a "lost control" accident very often results.

Considering the advances in technology, it is inexcusable to present to the public a vehicle which exhibits any less than the best handling and stability qualities possible today. It has often been argued that the undesirable handling qualities of certain vehicles which are intrinsically unstable may be overcome by proper tires and their proper usage.

However, there will always be those road conditions, for example, wet, icy, and so forth, in which traction with the road is limited.

At such times, the tire/road forces required to produce stability in such vehicles may be lacking. Such vehicles should not be allowed on the market.

It has been proven again and again, for over 30 years, that the forces acting on a vehicle can be balanced in such a manner that outside disturbing forces, including wind gusts, will not produce adverse handling problems on a vehicle. There is no justification for professing ignorance of knowledge in this field when human lives are at stake.

3. Inadequacy of present accident data: As we attempt to improve the safety aspects of the automobile, it becomes painfully evident that the accident data which is now available does not contain the information necessary for constructive research. Accident data gathering techniques used today were developed over 30 years ago with the purpose of fixing blame, rather than determining the causative factors of the accident.

The excellent accident and injury research now being carried on by independent researchers is much hampered by this lack of good data. It is often necessary to base conclusions on samplings too small to be statistically significant. The fact that an unrealistically long time period is required to establish definite trends with such small samples suggests that a nationwide coordinated accident research program be instituted.

For this purpose, specially educated accident research teams—preferably under Federal support—need to be attached to police departments throughout the country. Their duty should be the recording of the circumstances surrounding the scene of an accident, the extent and nature of the injuries and of the damages, and the determination of causative factors.

Evaluation, dissemination and interpretation of the data, and the subsequent search for bits of information by interested parties can then be made in standard, easily obtainable form.

Such teams, called accident commandoes, are now in operation in Europe. Only with a large volume of good accident data can the safety improvements that are made today be evaluated promptly. Such promptness is essential for effective evaluation of today's safety innovations and for definitive direction of tomorrow's efforts.

I sincerely appreciate the opportunity of presenting these comments to you, Mr. Chairman, and the committee.

I hope to have made a contribution to the alleviation of our national traffic safety problem. I would like to place myself at the disposal of the committee now, or at any future time, to answer any questions pertaining to the subjects which I have just discussed.

Mr. KORNEGAY. Mr. Younger?

Mr. YOUNGER. I have one question, Mr. Chairman.

Are you familiar with the tire bill, H.R. 13666? That is the Staggers bill.

Mr. KAMM. No; I have not seen it.

Mr. YOUNGER. That bill is before the committee. I will present you with a copy. I would like to have you read it and advise the committee of any suggestions you might have as to how this bill might be improved or changed.

Mr. KAMM. I will be glad to do so.

(The information requested follows:)

COMMENTS ON H.R. 13666

Your bill states the purpose and objectives very well. I am particularly in favor of a grading system which would preserve industry incentive, whereas minimum tire standards alone might, in time, prove to be a deterrent to progress. I am in agreement and strongly endorse Bill H.R. 13666. There are, however, some points concerning technical aspects, on which I would like to make the following suggestions:

1) Section 5b: the load carrying capacity of a tire is primarily a function of the tire inflation pressure, the size of tire dictates wear and handling. Specifically, a small tire with high inflation pressure can safely carry the same load as a larger size tire under lower inflation pressure, but their comparative handling, wear and ride will be widely different.

page 4, line 4 should therefore read
... such maximum permissible load for each size of tire at specified tire inflation pressure ...

2) Section 5(e)(2): Tires usually fail mechanically or in performance when conditions are more severe than normally encountered, be it because of high pavement temperature on a hot summer day or reduced adhesion in adverse weather. Exposure to these conditions need not be very long, before the tire fails to perform satisfactorily.

It is my recommendation to base standards on the most severe conditions likely to be encountered, therefore page 5 beginning on line 2 should read:

... load-carrying ability under the most severe conditions likely to be encountered in regular highway travel, resistance to impact and fatigue, resistance to skidding, resistance to detachment from rim, cornering and braking performance and such other factors ...

3) Section 8: One of the most important factors in tire safety is that the safe load carrying capacity of a tire, which in turn depends on its inflation pressure is not exceeded in operation. In order that the customer can determine the load he can safely carry in his vehicle with the tires installed, the tire should clearly be marked for its safe load carrying capacity and pressure.

I therefore suggest, that page 6 line 15 read:

... performance standards including statement of maximum permissible load at specified inflation pressure ...

4) Section 10: I strongly endorse the objectives of this section. However, based on the present state of the art, I very strongly believe that no further

time has to be wasted in establishing feasibility of a grading system. There is now available, as pointed out in my testimony, the know-how and most of the equipment necessary to establish the tire performance factors by which tires can be graded. The efforts that are now to be made should concentrate on prescribing a practical tire grading system.

I therefore suggest, that page 9, line 8 read

... investigate the establishment of a uniform quality grading system ... and page 9, line 13

... as he may find practical.

5) Section 11(a) (6) : Based on the same argument page 10 line 17 should read ... developing a uniform quality grading system for tires

7) Section 13 (d) : Since the tire grading system necessarily will have to be based on the performance capabilities of a tire, line 25 on page 14 should read

... which he finds are designed, constructed and will perform in a manner ...

Mr. KORNEGAY. Mr. Mackay?

Mr. MACKAY. Mr. Kamm, I appreciate your coming down here.

You state that there are a number of organizations who can do tire testing. Is your organization equipped to do tire testing?

Mr. KAMM. Well, we are basically a research organization. We have performed tire tests. For financial reasons we have not run them in the laboratory. We were forced to do it out on the road, which is cheaper, of course. We have done model tire tests in the laboratory, for instance, of hydroplaning phenomenon. I know for a fact that the equipment that is necessary is not very expensive and can be produced for these tests.

We have equipment at our laboratory which is presently used for other purposes and which could be modified to be made almost ideally suitable for some of the tests required.

Mr. MACKAY. Do you know a place that Congressman Watson could go to get a tire tested, economically, as a practical matter? He has asked about a specific tire.

Mr. KAMM. The only facilities that exist are in industry, as I know them.

Mr. MACKAY. The answer, then, would be "No."

Mr. KAMM. They are not open or available to the public.

Mr. MACKAY. I am interested in the hydroplaning problem because we have I-20 running through De Kalb County, in my congressional district, in Georgia, on which there have been 42 accidents and 8 fatalities this year, since the 1st of January. A number of these have been associated with hydroplaning. We had some interesting testimony yesterday from Mr. Framm who talked about tires. The State Highway Department in Georgia has talked about grooving the road.

Do you have any opinion as to whether the tire or the road is the critical point of attack in dealing with this problem?

Mr. KAMM. If you did not have a consistent water film on the road, hydroplaning would not take place. Theoretically, if you grooved the road sufficiently so that the water would drain off, you would eliminate the problem.

Mr. MACKAY. Do you think the public will really benefit from a tire-grading system such as called for in the Magnuson bill?

Mr. KAMM. I firmly believe this, yes.

Mr. MACKAY. And that Congress has the duty to legislate in this field to protect the public?

Mr. KAMM. That is right.

Mr. MACKAY. Can you elaborate a little bit on the idea incorporated in the major bills before this committee on accident investigating teams as distinguished from general data to be collected from police departments? What is the role of a special accident investigation team?

Mr. KAMM. The investigation team should, of course, go in and try to establish the causative factors of an accident. They should go in and examine the vehicle, the tire tracks. They should have the technical knowledge to determine what course the vehicle took before the collision, what might have caused the accident in the first place, and the environment surrounding the accident.

They should examine the vehicle, itself, to see whether a mechanical fault might be involved, what condition the tires or the brakes are in.

Mr. MACKAY. You are really saying selective, intensive investigation by highly trained experts would be necessary, which would be different from the normal police experts?

Mr. KAMM. Highly trained experts, I feel, could train others to do this. It could come down to quite a routine operation after an interim period.

Mr. MACKAY. One question that was handed to me to ask your comment on was with reference to the f.o.b. cost of tires to the Chevrolet Co. I don't understand the question. Would you comment on it?

Mr. KAMM. I don't feel qualified. I have no special contact with industry. In that respect I am no better off than the average consumer.

Mr. MACKAY. I am glad to hear you emphasizing the controllability of the car. I think there has been some very interesting testimony about packaging the driver, but, personally, I would prefer to avoid the first collision rather than have to deal with the consequences of the second collision.

I have no further questions, Mr. Chairman.

Mr. KORNEGAY. Mr. Watson?

Mr. WATSON. Thank you, Mr. Chairman.

Mr. Kamm, I share your concern and desire for a tire-rating system, but I must admit that I am a little disturbed that apparently we have had a lack of testing of tires on the part of our expert witnesses.

As I recall, in response to a question from my esteemed colleague, Mr. Mackay, you indicated that your testing had been very limited, and it certainly was not done on the finest equipment but, rather, was done out on the highways.

Mr. KAMM. That is correct.

Mr. WATSON. I see you are endorsing the tire-rating system as proposed by the Automobile Development Associates. In response to my question to the gentleman representing that firm, he said they have run no tests on this one particular tire.

I notice you say that equipment should be available because "the tire industry already performs endurance tests in their own laboratories."

Could you give me just one or two instances where these tests are misleading to the public or inadequate?

Mr. KAMM. I feel they are adequate from the point of view of the tire industry. They will test the tire to do a perfectly good job of supporting a certain load. This is a perfectly safe tire going out on the road.

I am taking a hypothetical tire, not any one in particular. My concern is that this tire subsequently is misapplied. In other words, if the vehicle would weigh 25 percent less, it would be a perfectly good tire. But the average customer, you and I, going out to buy replacement tires have no way of knowing whether this tire is adequate for our use on our vehicle.

Mr. WATSON. But specifically you do not know of any inadequacies in the tire endurance tests now conducted by the industry?

Mr. KAMM. I feel that they do not use realistic enough temperatures. One hundred degrees can be the road surface temperature on a nice winter day.

Mr. WATSON. I am not arguing with you, but I am trying to establish some basic expertise here. You say that you differ with them so far as temperature. Is that difference based upon conjecture or actually have you made temperature tests to establish that?

Mr. KAMM. I think you can go barefooted out on the road and establish very well that 100° is not what the pavement temperature is on a summer day.

Mr. WATSON. Of course, we are dealing with tires and not going barefooted.

Mr. KAMM. But the tire is rolling barefooted on the road and a tire generates its own heat in the process of rolling due to hysteresis losses.

Mr. WATSON. But your company has not run actual tests?

Mr. KAMM. No; we have not run temperature tests.

Mr. WATSON. I have one final question. I applaud you so far as your efforts toward directional stability for the automobile. Would you give us an idea, based upon your professional study in this regard, as to how you might improve the directional stability of an automobile outside of putting a gyroscopic device or what-have-you? What, specifically, by test, could you recommend as to how we might increase the directional stability, other than just talking about it?

Mr. KAMM. Well, there are several ways you can increase it. My argument has been that increasing it by utilizing the tire force on the road is not sufficient because you don't at all times have the proper force transmitted by the tire. There is a way you can aerodynamically stabilize the vehicle so it, as a free body, practically, would have perfect directional stability characteristics and would not tend to spin out. This work was done a long time ago. It is very well recognized in professional circles.

Mr. WATSON. So the main thrust of your testimony so far as bringing directional stability to the automobile is through the medium of improving the tire?

Mr. KAMM. No; I would not say that. I would like to approach it on a broad basis. My argument is that there is more technical know-how and knowledge available than is presently incorporated in the automobile that you and I are presented with today.

Mr. WATSON. Thank you very much.

Mr. MACKAY. May I ask one further question?

Mr. SATTERFIELD (presiding). Mr. Gilligan?

Mr. GILLIGAN. No questions, Mr. Chairman.

Mr. SATTERFIELD. Mr. Mackay?

Mr. MACKAY. I never had explained to me or understood why the tire standard was separated from vehicle standards by the President

in his message. Presumably the tires are an integral part of a motor vehicle.

Do you know any reason for segregating these two subjects?

Mr. KAMM. I can't see any reason for it. I think the tire is an integral part, a very, very important part, of the automobile and it should not be segregated.

Mr. MACKAY. Thank you.

Mr. SATTERFIELD. I have one question I would like to ask you. I have in my hand an advertisement in a current magazine advertising a \$75 tire. I gather from the statements that you have made, and am I correct in my assumption from those statements, that an advertisement based on the mere sales price of a tire does not indicate anything to the purchaser as to its safety? Would this be your conclusion?

Mr. KAMM. Yes; There does not have to be any connection. It is implied that a more expensive tire will be a safer and better product, but it does not necessarily have to be so.

Mr. SATTERFIELD. What you advocate is that there be some other criteria on which the purchaser could make this determination?

Mr. KAMM. We need numbers, not advertisements.

Mr. SATTERFIELD. Are there any further questions?

Mr. MACKAY. No further questions.

Mr. SATTERFIELD. If not, thank you.

Mr. KAMM. Thank you.

Mr. SATTERFIELD. The committee will recess until 1:30. That is predicated on the fact that we can get authority to resume this afternoon. If that is obtained, we will resume at that time.

(Whereupon, at 12:03 p.m., the committee recessed, to reconvene at 1:30 p.m. the same day.)

AFTER RECESS

Mr. O'BRIEN (presiding). The committee will come to order.

We will proceed to further hearing on H.R. 13228 and similar bills on the subject of highway safety.

Our first witness this afternoon is Mr. Donald C. Surles, of Falls Church, Va.

STATEMENT OF DONALD C. SURLES, FALLS CHURCH, VA.

Mr. SURLES. Mr. Chairman, I would like to thank you for the opportunity of testifying before this committee. I represent myself, a concerned U.S. citizen.

I think that all of you gentleman, after my sitting in one full day, certainly should be commended for being so patient, and I think it is too bad that all the American people couldn't witness what you gentlemen do here in their behalf. I am sure that something good will come as a result of your efforts, and I hope will come soon.

Mr. Chairman, I am for the bill H.R. 13228. However, I have suggested two minor changes and a little different approach to solving the problem.

There is no question in my mind that the automobile industry could have built safer automobiles, but we all have been negligent. I could have written a book over 20 years ago. We should have been far-

sighted enough to have written standards at least 10 years ago. The automobile industry, like any other industry, is primarily interested in selling their products. If standards become law, they will still be building automobiles. I think it is time to stop talking, watching, listening, and pointing fingers, and do something, and I hope it is soon.

I think reasonable standards should be written immediately so that they can be incorporated into the 1967 model automobiles. I think that we should update these standards each year for at least 5 or 6 years.

The updating of these standards should be based upon facts. We should not ask industry or authors what these facts are; we should find out through a systematic process which, if done quickly, will cost the Federal Government a great deal of money. It may cost \$3 million the first year, but it will be very rewarding. The first life saved might become another Abraham Lincoln, a Thomas Jefferson, or a Henry Ford.

If I had the job, I would install a 35-millimeter photogrammetric panoramic camera on top of every ambulance in the United States, and on police cars and rescue squad vehicles. The same camera could be used to help analyze traffic control problems. If used properly, you can make precise measurements not only in the horizontal and vertical, but also in depth. You could very accurately re-create any accident any time.

I would have an individual at each hospital in the United States who would compile all appropriate medical records of patients who are there as a result of an automobile accident.

I would have someone, maybe associated with the AAA, that would compile data on what happened to the car or cars involved in each accident.

I would have an auto safety computer center where all this data would be evaluated and compiled into factual information so that Federal laws could be written to correct that which is killing our people.

To correct the automobile deficiencies, I would create a nonprofit organization similar to those supporting the U.S. Air Force in research and development. The operational manager of this organization would be someone who has never been associated with the automobile industry. He would be responsible to a joint civil service-industry office, with a housekeeping chief from industry.

This organization would design, build, and test preproduction prototypes. They would estimate production costs, obtain public opinion and Government acceptance, and determine all those things that I don't understand that make industry in the United States the greatest in the world.

This organization would be financed by tax-free funds, because its only purpose is to help save lives on our highways. It is not quite like the Heart Fund or the Cancer Foundation, but it could save more lives. It would be financed by moneys donated by organizations such as the Ford Foundation. They just donated \$19 million to various organizations just recently. A rough estimate would be \$6 to \$8 million per year for 5 or 6 years. At that time we should take a new look at the whole program. If I had my way, the first tax-free funds

would be used to correct all known safety deficiencies in automobiles that are on the highways today.

I think that if the automobile-supported foundations financed such a lifesaving, nonprofit organization that the stock market would skyrocket and the automobile sales would go higher than ever. I can't think of a more welcome public service.

Also, within 2 or 3 years the American automobile industry would be exporting more automobiles than they had ever dreamed of before. This, too, would help every American by keeping our dollars at home. All other nations would have to follow in order to stay in business. The result would be lifesaving around the world. This is as it should be—American Government and industry working together for the benefit of all people. Our motto, "Let us lead and never follow."

Mr. Chairman, the quickest road to lifesaving on our highways will come from a best compromise. It should be made now. I think if you talked to "The Three Men" in the automobile industry, they might say "Go." Maybe this program could start on my birthday, May 15, 1966.

(Mr. Surles' statement and attachments follow:)

STATEMENT OF DONALD C. SURLS, FALLS CHURCH, VA.

Mr. Chairman, I would like to thank you for this opportunity to testify before this committee.

I represent myself, and have never before had the privilege of appearing before a Congressional Committee.

I don't know the procedures.

I don't intend to embarrass anyone and I hope I will be given the same courtesy.

I hope, as a result of our discussion, we can help solve the problem.

As I understand it, the problem is to save more lives on our highways.

I would like to take this opportunity to say that, in my opinion, the American Automobile Industry builds the finest passenger cars for the money that you can buy any place in the world. BUT:

There were over 49,000 Americans killed while riding in cars last year.

That is a good chunk of our nations most treasured assets.

One of these might have been another:

Abraham Lincoln

Henry Ford

Thomas Jefferson

Louis Chevrolet

I am sure this problem can be solved.

First, we must determine the cause of most deaths.

Then, we must correct that as soon as possible.

Most will agree that ejection from the car is the Number One culprit.

That is why seat belts—But how effective are they???

One statistical evaluation:

Average the last 6 years when we had seat belts, cars on the highways vs deaths (1960 thru 1965) against the previous 6 years (1954 thru 1959).

We are nearly 7% improved.

Another statistical evaluation:

In 1965 we had more seat belts than ever before.

The year 1958, for all practical purposes, was the last year that we had none.

Using the same source for our numbers (AAA) we find that there was one death per 1530 automobiles in 1965 and 1531 in 1958.

This would indicate that there was no improvement at all.

How good are seat belts? We can all make an educational guess, but no one knows.

I can never forget an accident that happened just out of Dayton, Ohio. A family was driving from West to East in a snow storm. Maybe the driver went to sleep, but a 2 year old child was thrown across a fence into deep snow. They picked up all the others, and two days later found the child unscratched, dead from exposure. Could he have been another Abe Lincoln???

Centrifugal Force—What happens?

The lightest things come unglued first, and if the force is great enough all will follow in the order of weight.

In the case of the passenger car:

The door or doors go first.

The passenger or passengers go second.

Then the car itself goes next.

Last is death. (see Incls. 1, 2, & 3)

In 1945, *twenty one years ago*, I designed a door that would have prevented such an accident. The same centrifugal force could not have thrown my doors open. (see Incls. 4 & 5)

Also, because of the door design crush strength is increased many fold.

The passenger compartment is protected by the equivalent of roll bars at either end.

In the case of a four door automobile there will be roll bars at either end and a double roll bar in the middle.

A side blow would only push you out of the way.

If a tractor trailer rolls over on top of your car you survive.

It doesn't have to be a military tank if designed properly.

It need not perturb the automobile designer or stylist (see Incl. 6).

Extra cost? It all depends.

To modify existing cars—It is out of the question.

Design for it, and it should not cost much more. Certainly not as much as some of the extras people buy today.

Just think, the safest car in the world, and all these convenient features too:

You can park in places you never could before.

You can park more cars in the same space.

You can get in and out when you never could before.

This door could never chip the paint off the side of another car.

No air compression—You can always close the door easily, even when all the windows are closed.

I drove my car, in 1948, to all automobile manufacturers in the United States. (see Incls. 7 & 8)

In 1954 I wrote to all auto manufacturers and sent copies of my patent. (see Incl. 9)

Because of the automobile safety program publicity, I again brought this to their attention in October 1965.

I would like to help any way that I can.

I have made a Statement for the Record, and have suggested two changes each to two different bills, which I hope will help solve this problem.

If I may, I would like to suggest one way to get started:

Permit the Automobile Industry to finance an organization, remote from Detroit (maybe in Texas or California) whose only purpose is to solve this problem. The funds should be tax free in that the only purpose is to save lives. It is not quite like the Heart Fund or the Cancer Foundation, but it could save more lives.

I had visualized that this organization would design, build and test pre-production prototypes. They would estimate production costs, obtain public opinion and government acceptance and determine all those things, I don't understand, that make our industry the greatest in the world. In order to be assured that the problem is being solved, with tax free funds, I would suggest that an individual who has never been associated with the automobile industry run the organization.

I visualize that the individual running the organization would report to a Joint Civil Service-Industry Office, with the Chief above them from industry.

Reports, test results, etc., should be public information, and any industry in the United States could use them to their best advantage.

This approach would eliminate the problem given for not taking advantage of my idea, and I am sure the same is true for many other good ideas.

I am told that one automobile manufacturer can't stay competitive if they add something that increases cost. The only way that something like my door could be added is for all manufacturers to agree to start using it at the same time.

If they did all start using it at the same time the government would claim collusion.

Please, let's do something to correct that situation.

TO REMINDE YOU

In one of the year's most weird accidents a driver was flung from his car to a house roof-top and crumpled to death against a chimney. The victim lost control of his car which rolled over twice before coming to rest against the house. So great was the impact that the driver was hurled 300 feet through the air before striking the chimney.



DONALD C. SURLER
1010 CEDAR LANE
FALLS CHURCH, VA.
22042

A-4 ** THE EVENING STAR, Washington, D. C.
TUESDAY, JULY 31, 1934



CRASH FLIPS DRIVER ONTO ROOFTOP

HOLLAND LANDING, ONTARIO.—Cyril F. Lewar lies dead on the roof of a house situated beside a right-angle curve where 20 cars have crashed in the last 10 years. Mr. Lewar's car crashed four guard rails and rolled 400 feet. The driver was tossed up 15 feet as the car came to a halt upside down.—AP Wire-photo.

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DONALD C. SIBLEY
1010 CEDAR LANE
FALLS CHURCH, VA.
22033-552

JOURNAL HERALD, DAYTON, OHIO, MONDAY, FEBRUARY 22, 1954

Flyers Gain Seventh Straight



End Of The Trail

DAYTONA BEACH, Fla.—In the first fatal accident in a stock car race here since the track was opened in 1936, Korean veteran Dick Kaufman of Harrisburg, Pa., lost his life Saturday. The car came to rest on its side with Kaufman's body hanging from a door. (UP photos.)

Non-Loop Tilts To End Cards During Week

Harris In "N" Scorer Again

Uhl Hits 18, Chris
Bag 10 Or More In 2

By RITZ

CINCINNATI, Feb. 21.—The momentum through the home National Invitation tournament 21-63, before 7,746 fans in Cincinnati was the Flyers' seventh winning streak of the season—a lettuce.

Chris Harris blossomed as scorer tonight with a 17-point showing—his most productive in five nights of the season to his 6-11 center Bill Uhl who tossed in 18.

All Flyer starters finished in double figures with John Hare dropping in 13, Don Donohue and Jack Saltee 10 each.

With a 20-point-plus lead early in the fourth period, Coach Tom Blackburn inserted the reserve who finished out the ball game.

Uhl, Haren Too Tall

Various ways possible to settle with



THE NEW SUPER STREAMLINER

The unique Streamliner shall be the one unrivalled motor car. It is the supreme achievement - as close to perfection as the motor car has come in luxury, comfort, and performance.

The difference in appearance is obvious. The entire body is streamlined to the last degree. Nothing on wheels is more dynamically designed.

And with reason for the performance of the Streamliner transcends any you have ever enjoyed. Handling ease, riding ease, and response are unparalleled. You really own the road when you sit at the wheel of this incomparable motor car. If you like to lead rather than follow, I suggest a closer acquaintance with the new "Streamliner".

The Streamliner, like a fine horse, can, and should be, sensitive of an owner's taste, and of his consideration for the well-being of his guests.

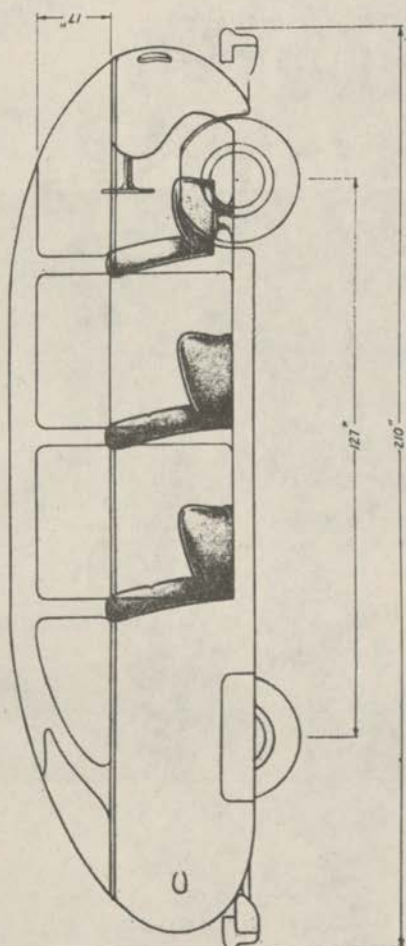
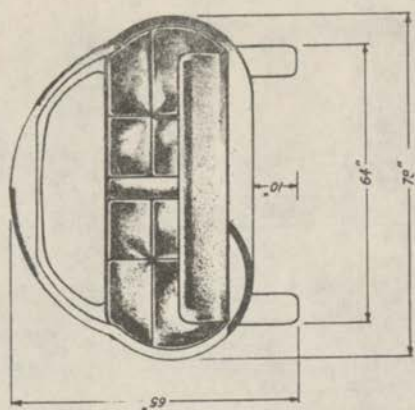
Never has this ideal been so well exemplified as in the splendid motor car depicted herein.

A touch of a button and the side of the car seems to slide away. When you cross the threshold you seem to enter a sumptuous room rather than a motor car.

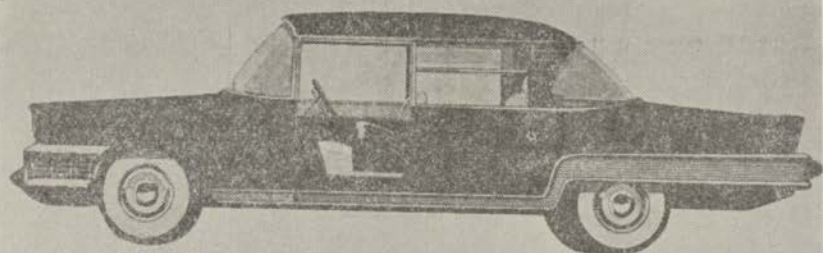
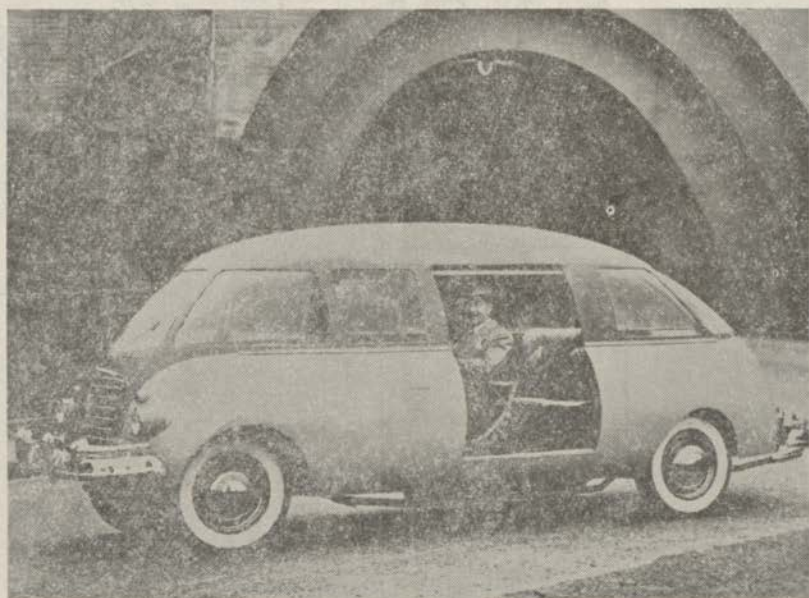
Illustrated is the new Streamliner, the only motor car that includes: slide-away doors, center driving, stainless steel body, dual-suspension drive, non-restricted driving visibility, air conditioning, two and one-half full-width seats, overall flat interior floor.



44



ARBEL

*Automobiles Symétrie-Paris*



Sept. 8, 1953

D. C. SURLES

2,651,541

VERTICALLY MOVABLE VEHICLE DOOR STRUCTURE

Filed Dec. 23, 1948

4 Sheets-Sheet: 1

Fig. 1.

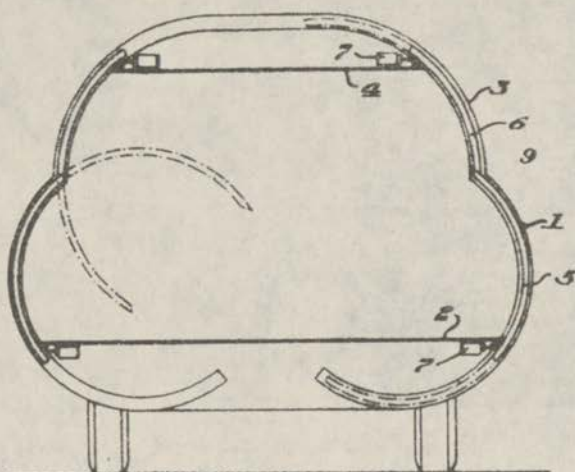


Fig. 2.

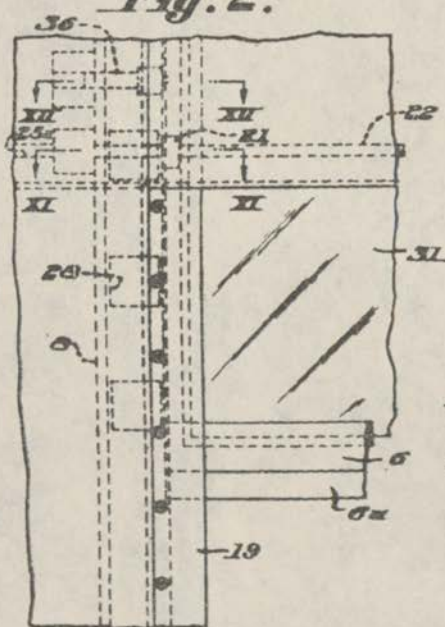
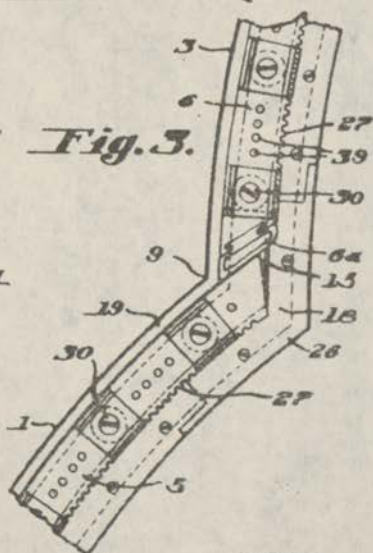


Fig. 3.



INVENTOR

DONALD C. SURLES

Dr. L. A. ...

Hope Leonard & Son

I am sure a great percent of the people buying, rather expensive, automobiles who now have an air conditioner, such as I, would not object to an additional few hundred dollars:

If you could get into your car, gracefully, after cars had parked within a few inches from either side of your car. Or, if you could park in the same space, and get out gracefully, when there was no other parking space left.

If your chauffeur could maneuver close enough to the curb in New York City during a down-pour, and automatically open and close the right rear door so that you could quickly get into the car without wading through a water filled gutter where some obstruction (fire plug or pole) would not have permitted the conventional door to be opened.

If you could forget about the problems associated with air compression when closing a conventional door when all the windows are closed. A few years ago this was only a winter-time problem. Now with air conditioning it is a problem the year round. It really annoys me when someone gets in and doesn't close their door completely, and while he is opening it again to slam it harder you are lowering your window—and WHAM the whole door nearly falls apart.

Wouldn't it be wonderful to think that someday all automobiles would have this type door and eliminate that dreadful feeling when a family parks beside you and you just sit there waiting for that kid to get out of the back and slam the door into the side of your car. I know people who, for this reason, leave their car in the garage and take the bus.

And just thing, all these conveniences and others too, but most important of all—you would be riding in the safest automobile that money could buy, for the following reasons:

There would be the equivalent of roll bars in front of and to the rear of the passenger compartment. In the case of four door automobiles there would be the equivalent of a double roll bar in the middle, with a single roll bar at either end. This feature will permit the car to roll with far less damage to the car and your chances of only minor injuries would be increased drastically.

Because these roll bars go completely around the car, the crush strength is increased from the top as well as from either side.

And probably the most outstanding feature of this door is that the doors cannot fly open for the same reason that conventional doors do. When a car is subjected to sufficient centrifugal force to throw the door open the passengers are subjected to the same force and immediately are thrown from the car through the open door. Then the car itself is subjected to the same force and sometimes follows the passengers, and if you are so unfortunate as to be beneath the car when it rolls or if you have your safety belt too loose you get caught in the door when it rolls—you have real problems. I am convinced that nearly all of the thousands killed in this way would have survived if they had been in an automobile with my doors.

To reiterate, if you will stop just a minute and think—you are sure to realize that the doors are the only thing about the modern automobile that has not been drastically improved upon. This is true from bumper to bumper. The conventional door is mounted on two hinges just as they were on horse drawn carriages long before this wonderful land became a nation. Surely, with all this nations brain power and wealth we should be able to do something about major improvements on passenger automobile doors.

Also, if my door was adopted it could eliminate some of the major objections expressed by some government agencies.

The surest way to utter frustration and complete despair is to create, design, build and have patented the most important life saving feature that could be included into any automobile, and then try to sell it to the American automobile industry.

I am not an author of books. I am not a politician. I am not a foreign automobile designer, and far from a V.P. in Detroit. But Henry Ford, when he was young, and I most likely had a lot of common interests.

The biggest difference between Henry Ford and me is that he was born in 1863 and I was born in 1917. I flew into Pearl Harbor on Dec. 7, 1941 and he was reaping the fruit of his harvest. In 1947 I was building my first automobile and he came to the end of a most phenomenal career.

When I drove my car into Detroit on 10 Nov. 1948 I made the news paper, but soon learned that if an automotive idea was not created by those in Detroit it couldn't be worth consideration. They are a little more subtle than that, and say if you can get the idea patented write us a letter and include the patent.

I finally got the patent and wrote the Ford Motor Company. I got the enclosed "Bed Bug" letter, dtd. 26 July 1954, in the return mail.

I have been working on the problem of automobile safety since 1945 and have accumulated a tremendous amount of all kinds of data. This, together with recent published current events I thought that the Ford Motor Company might reconsider. All I got was another of JC's (note lower left each letter) "Bed Bug" letters.

The Big Question—What did Henry Ford create? It certainly is not now in the public interest. At least I don't think that the majority of the American people own "Big 3" stock.

I am sure that one could learn from a short interview that good, practical automotive ideas do not necessarily have to come from an employee of the "Big 3" or from one who has a foreign brogue. That is unless you call a Texas brogue foreign.

Well, I got that off my chest. Some day, with God's help, we will have a decent door on our automobiles. Maybe they will consider mine. The patent runs out in 1970.

The Surlesmobile, with the safest automobile doors ever designed is sitting beside my house and is only 22½ minutes from your office.

In 1948 the American Marietta paint company wanted to paint it and have a picture of it in a full page color ad in the Fortune magazine.

It was given a full page in the 4 Jan. 1948 Far East Stars and Stripes in Japan.

It made Popular Mechanics and Popular Science.

Preston Tucker agreed to use my doors on his second models.

The Chicago Tribune had an article in the center of the front page and a picture on the back page of the A section. This picture was used Nationally thru Acme News.

A French company has built at least six models using my door design. In the 4 Apr. Washington Post (Staff Writer Morton Mintz) gives the Italian Pininfarina Car Co. credit for destroying the myth, that "a safe car will be an ugly car". The French car with my doors looks like a 4 passenger Thunderbird. I am sure the American public would much prefer the French design.

I am sure that your reader is wondering why Don Surles thinks that this would be of interest to your readers and picture lookers. Well, in this mornings Wash. Post it told of another study that has just been completed by two Univ. of Michigan scientists. Quote "The single leading cause of death was ejection from the car which killed 48 of the 177 victims."

Ralph Nader's book "Unsafe At Any Speed" indicates that there are 50,000 Americans killed each year in automobiles.

My whole point is that if the American automobile industry had not been so unconcerned my doors could have saved approximately 150,000 American lives. That's all.

PS There also would have been 10's of thousands saved if the Big 3 with their Capitol Hill Lobby had not forced Preston Tucker out of business.

I have assumed that the only logical reason for the Automobile Safety Program is to save more lives.

There is reason to believe that all American's will appreciate this job well done if a few basic principles are not overlooked in the bills that will soon be passed.

I think that the general bill that will be passed, such as H.R. 13228 should include the two following statements:

"The collection of data will determine those automobile characteristics which cause the greatest number of deaths."

"Research, development and testing will be directed toward that which will save the most lives."

I think that the bill which will be passed covering specific improvements, such as H.R. 13675, should include the two following statements:

"Features to increase crush strength of automobile sides and tops."

"Emergency exit other than doors."

SUMMARY

Statistics can be compiled to prove anything.

If it is money you want, you compile your statistics one way.

If you are more interested in saving lives, you compile your statistics nearly in the reverse.

One of life's most difficult tasks is to write a communication that cannot be misinterpreted.

If a bill is designed to guide people who will do something to save lives, it should say so. In this case the data collected will determine what is killing the most people, and then corrective action taken to eliminate the greatest cause—first.

I have been compiling data, on this subject, for many years. In 1948 I had built an automobile with doors that cannot fly open for the same reason that conventional doors do. Because of its design you have the equivalent of roll bars that completely surround the passenger compartment.

My data has been confirmed by Cornell Aeronautical Laboratory, Ralph Nader's book, and a recent University of Michigan Study made by two scientists, Donald Huelke and Dr. Paul Gikas. There are many others too.

A general quote:

"The single leading cause of death was ejection from the car."

My data was correct. My corrective action was directed at solving that specific problem—first.

There is a good possibility that if the automobile industry had not been so unconcerned, since 1948, many thousands of Americans could have been saved.

It is my opinion that the bills should be a little more positive at directing action which will solve the most critical problems—first.

Mr. O'BRIEN. Thank you very much, Mr. Surles.

Are there any questions?

Mr. FRIEDEL. I want to compliment Mr. Surles for a very brief and fine statement. I would like to have a little information on your background, if I may.

Mr. SURLES. Mr. Friedel, I retired from the Air Force about 7 years ago. I was a pilot. My last 8½ years in the Air Force were associated with research and development. My last 5 years were in the Pentagon. I have been out now for nearly 7 years working still in research and development programs.

In 1945 I created an automobile door. In my opinion, one of the only things that has not been improved on the modern automobile has been the door. They have been hinged on two hinges since the horse and buggy days, long before this Nation ever came into existence. We still have the same type door. It flies open and ejects people.

I decided in 1945 I would do something about it. In 1948 I had built an automobile while I was on duty in Japan. In 1948 I drove this automobile by every automobile manufacturer in the United States. In 1953 I received a patent. I sent this information to the automobile industry. My door is a little different from most. The windows slide up into the roof and the bottom part down underneath the floor. Therefore, the centrifugal force cannot throw my doors open as it does a conventional door.

Not only that, but because it has to have sturdy rails for it to go into, to slide up and down, you have the equivalent of roll bars in front of and to the rear of the passenger compartment. In the case of a four-door automobile, you have single roll bars in the front and rear, and a double roll bar in the center, so you have increased crash strength, far superior to anything that is known today. It has a number of other advantages.

To go further into my background, I have a little company called Recon Associates. I represent several companies, one of which builds a photogrammetric panoramic camera designed to support Navy operations. It takes a picture 350° horizontal. The first camera was designed to do this in 1.3 seconds, so that a Navy frogman could come up

out of the bay with this on his head, take a picture 350° in 1.3 seconds, submerge, come up again, take another picture, and from that they can make a map of everything that is in the harbor.

You can also swim ashore and level this device as if it were a photogrammetric instrument, a survey instrument, or a terrestrial camera, and you can take two pictures the same way and make a precise map.

This has been written up in the American Society of Photogrammetry records years ago. This camera has progressed through about five or six different cycles so today it is far superior to what it was several years ago.

The data reduction of this type of photography, all the equipment, has been developed, has been delivered. One of the last pieces is being delivered today. All of this does represent pretty much the state of the art as I had suggested in one approach, to go out and collect data which will become fact and upon which you can obtain statistics.

MR. FRIEDEL. What would be the cost factor on the door? Is that very expensive?

MR. SURLS. I really don't know. I have built one automobile. I built this from a military jeep that I bought surplus. I would think that if you started with the door design and built the automobile around it, it shouldn't cost too much. It might cost an additional \$100; I don't know. It would all depend on who was doing the work, I would think.

MR. FRIEDEL. I want to thank you for your fine testimony.

MR. O'BRIEN. Mr. Younger?

MR. YOUNGER. Thank you, Mr. Chairman.

MR. SURLS, you say, "I think reasonable standards should be written immediately so that they can be incorporated in the 1967 model automobiles."

Do you have those standards in mind?

MR. SURLS. No, sir; I don't. I am not in that business.

MR. YOUNGER. How do you expect them to be written immediately? You have been studying this for a long time. If you don't have them, where will we get them?

MR. SURLS. I would think the automobile industry, in the position they are in today, would tell you precisely what these are and they would like to make a contribution to this country. They would like to see this put into their automobiles, I am sure.

MR. YOUNGER. Thank you.

MR. O'BRIEN. Mr. Mackay.

MR. MACKAY. Thank you, Mr. Chairman.

MR. SURLS, I feel that we are beginning to hit pay dirt in these hearings because we are beginning to hear from people like yourself who don't represent anything except concern about the problem of saving lives, who don't have any institutional interest that they have to safeguard.

There are three titles to the bill. The first one is fixing standards. In your opinion, should there be mandatory Federal safety performance standards for all motor vehicles; is that correct?

MR. SURLS. Yes, sir.

MR. MACKAY. And second, should we have a research function in the Federal Government that coordinates all research touching on the traffic accident phenomenon?

Mr. SURLES. This could be a part of the Federal Government, but financed by funds that were donated.

Mr. MACKAY. Let me put it this way: Would you agree that at the present time there is not any coordination of the research?

Mr. SURLES. There is none that I know of, sir.

Mr. MACKAY. The third thing is this: Have you had any connection with the Speno car, the New York prototype?

Mr. SURLES. No, sir.

Mr. MACKAY. Senator Speno and his group came before our group and said that he felt that this legislation ought to explicitly provide for the construction of a prototype car so that someone outside of the industry would perhaps have more flexibility in developing safety ideas for cars.

Do you think there is a role for the Government in the development of a prototype car?

Mr. SURLES. Having been in research and development in the Government, and associated directly with it for a good many years, the most successful programs that I have witnessed are those where you go to somebody that knows what they are doing. If you go to the lowest bidder, the chances of getting what you really want are pretty remote.

I would say that if you build an automobile—let's say Fairchild-Hiller—that does everything that you hope will be done, and then they ask the automobile industry to build a duplicate, I think they will object, seriously. It is the same thing as an engineer at Wright Field having spent his life in a specific area and then somebody else coming along at a much higher level telling somebody to build something else, and then it comes back to him for test and evaluation. In trying to get it into the program, he will fight it.

Mr. MACKAY. I want to thank you for your specific recommendation for changes to the bill. We haven't received much of this.

Mr. SURLES. I spent 1 whole day here and some of the things that I heard were a little bit shocking.

If you will read my first 30 pages of material, it is a little different from the last.

Mr. MACKAY. It is extremely helpful the way you presented it.

Thank you, Mr. Chairman.

Mr. O'BRIEN. Thank you very much, Mr. Surles, for your interest in this problem and your contribution to our hearings.

Mr. SURLES. Thank you, Mr. Chairman.

Mr. O'BRIEN. Our next witness will be Mr. Roger Racine and Mr. Donald Calandra, of the Protect-O-Matic Corp., of Buffalo, N.Y.

STATEMENTS OF ROGER RACINE AND DONALD A. CALANDRA, PROTECT-O-MATIC CORP., BUFFALO, N.Y.

Mr. RACINE. Mr. Chairman and members of the committee, my name is Roger Racine, and my associate is Donald A. Calandra. We would like to thank you for giving us this opportunity to show filmed demonstrations of a proven automotive safety device illustrating a new principle using no seat belts or restraining devices in crashes from 15 to 50 miles per hour.

You will also see at the beginning a seat-belt crash and shoulder-harness crash made by one of Motor Vehicles Research cars. The total film is about 5 minutes.

(Film presentation.)

Mr. RACINE. This is our safety device that you will see demonstrated. Here is a crash at 28 miles per hour.

Here is a crash at 50 miles per hour, gentlemen.

Notice how the seat scoops him up with no forward tendency whatsoever.

Next you will see the model tests we ran in conjunction with the National Safety Council in Chicago.

No, I am sorry. They are concrete crashes coming up next.

This solid concrete, immovable object, was hit at 20 miles per hour. The next crash will be at 22 miles per hour, and the last crash will be at a higher speed yet.

Here are the members of the National Safety Council watching the tests.

The next crash is at 40 miles per hour.

Gentlemen, the idea was first conceived in 1953, after 3 years of research and development of scale-size and compact models. Protect-O-Matic Corp., was formed in May 1956. The main reason for the corporation was to conduct research and development of the Protect-O-Matic safety system. I employed professional engineers and draftsmen to help in the development of a new principle. The system counterbalances the force of inertia that wants to throw a driver through the windshield in head-on collisions.

From May 1956 through 1961 well over 228 crashes played a major role in the perfection of the Protect-O-Matic safety system. Gentlemen, this was at a cost of over \$330,000 and many public demonstrations, all of which had human drivers, unbelted, unharnessed, subjecting themselves to violent crashes without any injuries whatsoever.

Our system not only works head on, at 1 o'clock and 11 o'clock, but although the rear bumper of Protect-O-Matic equipped cars isn't rigged with a trigger bar or pistons, the force of a rearend collision will have the same tilting effect on the front seat, providing major reduction in whiplash injuries.

Here, gentlemen, you have a proven automatic safety device that was available back in 1958 that could have been installed in any automobile as an accessory item without any major change in body design and does not interfere with power seats or seat adjusters. The device is barely noticeable. At this point, gentlemen, we feel that our device has gone beyond the idea stage and should be made available to the public.

The high point of the corporation's public demonstration was in Soldiers Field, Chicago, Tuesday, October 21, 1958, in front of over 200 medical and safety men when Driver Ernest Clemons deliberately subjected himself to two violent crashes, one at 30 and the other at 40 miles per hour, to illustrate the counterbalancing force developed by the corporation.

Quotes by safety experts, 1958:

1. U.S. Department of Commerce, Bureau of Public Roads, Charles W. Prisk (highway safety study).

2. Derwyn M. Severy, UCLA collision injury research:

You are to be congratulated on your approach to evaluate your device in the actual collision situation rather than in oversimplified laboratory tests.

Chrysler Corp., Roy Haeusler, automotive safety engineer:

We appreciate your organization's sustained interest in having run 225 crash tests to determine the merit of Protect-O-Matic system.

National Research Council: Howard J. Lewis, information officer:

I have sent the information on your safety device to our highway research board staff.

National Safety Council (Traffic Section), Matthew C. Sielski:

The principle is good, most deadly crashes occur at 40 miles an hour or less. With this trick seat, the driver escapes common causes of death: the whiplash neck fracture, the chest puncture, or the facial lacerations. The device has an advantage over the seat belt in that it does not require the driver or his companions to buckle it. This throw-back seat acts automatically.

May I inject we are not against seat belts. We feel with seat belts we would have a beautiful package.

Cornell Aeronautical Laboratory, Inc., of Cornell University, November 8, 1963, Robert A. Wolf, head, transportation research department:

Since the Cornell Aeronautical Laboratory is a not-for-profit research organization, we do not generally conduct confidential evaluation of proprietary commercial products. The shocks-reducing principle, however, of the tilting seat has sufficient technical novelty and may have sufficient benefit to public safety that we believe it should be thoroughly explored as it may relate to advancing the art of automobile crashworthiness. To be consistent with CAL's mission of being of service to the general public, if you sponsored a research project, we would wish to publish the findings of such an investigation under a CAL cover.

Crash witnesses:

1. National Safety Council: William Johnson, general manager; Fred Potenza, traffic engineer; Robert Meyer, editorial director.

2. American Medical Association, Committee on Medical Aspects of Automobile Injuries and Deaths: Dr. Seward Miller and Dr. James Goddard.

3. Cornell University Medical College, director, crash injury research program: John D. Moore (now director of traffic safety, State of New York).

4. U.S. Public Health Service: Dr. B. H. Fox; Roger Racine, 5448 Lodi Place, San Diego, Calif.; Donald A. Calandra, 355 Fillmore Avenue, Buffalo, N.Y.; while in Washington: Statler-Hilton Hotel, room W-618.

Since we arrived in Washington 2 weeks ago, we have been to and shown our crash test film at Senator Kennedy's office; Wendall Pigman, Senator Ribicoff's subcommittee; Phil Cook, U.S. Public Health; Dr. Barry King, GSA, two times; Mr. Roberts, Mr. Scott, Mr. Parish, and Mr. Prismond, Mr. Lau; Department of Commerce, Dick Lam; Bureau of Standards, Russell Smith and 15 of the staff; Department of Public Roads, Al Head; President's Committee on Traffic Safety, Dr. Richard Tassel; Congressman Torbert Macdonald and Ray De Member; Congressman Van Deerlin and Mr. Smith; Congressmen Mackay and Bill Williams, Georgia; Roy Lambert, Georgia; Bobby Johnson, Georgia; Ralph Nader and Dr. Gikas.

Thank you.

Mr. O'BRIEN. Is there any danger that this seat could be activated other than by a crash?

Mr. RACINE. No, sir. You have to have an impact of from 8 miles an hour if you hit concrete or 12 miles per hour if you hit a parked automobile. There are no chances of being parked in a parking lot where someone can back into you and actuate the seat. We have a hydraulic reservoir to take care of that. It is completely automatic.

Mr. O'BRIEN. What has been the reaction of the automobile industry to this?

Mr. RACINE. It is a hydraulic system. We employ a hydraulic system.

Mr. O'BRIEN. No. What has been the reaction of the automobile industry to this?

Mr. RACINE. Very, very good. They have been very, very interested. In fact, a man from the General Motors tech center is the one who inspired me to go on with this. He said back in 1959, "It is one of the best engineering safety devices seen." In fact, they told me they had been at the National Safety Conference, although they had to stay in the background.

Mr. O'BRIEN. Thank you.

Mr. Friedel?

Mr. FRIEDEL. No questions.

Mr. O'BRIEN. Mr. Younger?

Mr. YOUNGER. If your patented seat were installed, it would be along the order of having a collapsible steering wheel.

Mr. RACINE. You have a lot of compression on the leading edge of your seat. We have deliberately run crashes and put our legs under the seat. All you get out of it is a slight bruise which we reason is better than a fractured skull. There is no danger. I would say you don't need a flip steering wheel.

Mr. YOUNGER. You wouldn't need any collapsible steering wheel shaft, would you?

Mr. RACINE. No, sir.

Mr. YOUNGER. We have had that recommendation by practically everybody; that they ought to install a collapsible steering wheel immediately.

Mr. RACINE. At the beginning of our test, we ran test after test with the flip steering wheel, and we found out through experience and tests that it was not needed whatsoever.

Mr. YOUNGER. That is all I have.

Mr. O'BRIEN. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

I am interested to know whether any agency of the United States Government has contacted you about this prior to your visit here this week. Has the Department of Health, Education, and Welfare Accident Division, or the Bureau of Public Roads, Office of Traffic Safety, contacted you?

Mr. RACINE. They have sent letters. We have contacted them.

Mr. MACKAY. At any point have they contacted you?

Mr. RACINE. I would say no.

Mr. MACKAY. And you publicly demonstrated this in 1958?

Mr. RACINE. Yes, sir.

Mr. MACKAY. You know the charge is made that the public is not interested in safety. Would you say what the public reaction has been to this?

Mr. RACINE. Gentlemen, I have had letters from all over the country at the time we ran out of money. I will put it that way. From the test in Chicago, the public demand was terrific. I have thousands of letters to back up what I am saying. People wrote to us from all over the country who were interested in buying these units. But at the time we went broke. I will put it that way. There was no possibility of getting distribution out.

Mr. MACKAY. Another canard that is popular is that we can't afford safety. What is the cost per unit, the extra cost?

Mr. RACINE. The cost at the time, back in 1959 and 1960, was \$65 per unit. That was in small quantities, quantities of 100 to 200 units. If the auto manufacturers adopted this, I would say they could manufacture it for in the neighborhood of about \$30.

Mr. MACKAY. Have you been able to gather any data? You say the system works head-on and at 1 o'clock and 11 o'clock. That is about 10 or 12 degrees, isn't it?

Mr. RACINE. Yes, sir.

Mr. MACKAY. Have you any data on how many accidents occur within that range?

Mr. RACINE. I don't really know, Congressman.

Mr. MACKAY. It is true that many people are killed when, for some reason or another, they leave the roadway and strike a telephone post or a tree. So this would be beneficial in that situation.

Mr. RACINE. It certainly would. You see, this device will not actuate in a sideswipe.

Mr. MACKAY. Has the industry ever written you or presented any argument against your invention?

Mr. RACINE. No, they have never presented me with any arguments whatsoever in regard to the invention. In fact, the engineering divisions have always praised it. At one point I was in the Cadillac Motor Division, back in 1957, and I was met by Mr. Dan Adams, staff engineer, plus Henry Newacker, head of new devices. When they saw the movies of this, and everything else, they flipped. I have letters with me backing this up. In fact, they even asked me for a quotation for 5,000 units.

In other words, they were thinking of putting it in two of their models as standard equipment at that time, but the fact was, it was knocked down by design engineers. They didn't like the idea of the trigger bar being installed in front of the car.

Mr. MACKAY. The what?

Mr. RACINE. They did not like the idea of the trigger bar being installed in front of the car. It would change their design.

Mr. MACKAY. Just where is the trigger bar?

Mr. RACINE. The trigger bar is directly in front of the bumper, gentlemen. There is a 3-inch stroke. In fact, it improves the appearance, I would say. I would like to have you look at some of these pictures.

Mr. MACKAY. I would expect you to give us all the plus factors in your invention. Do you see anything negative?

Mr. RACINE. It will not help you in a side collision whatsoever. On a front collision and a rear collision, I would say it is a pretty good device. I am not being prejudiced, of course.

Mr. MACKAY. I think that trigger bar is very handsome.

Mr. RACINE. It doesn't take away from the appearance of the car. In fact, we sold, I would say, 100 units to people. People are going into the showroom and paying \$325 for this unit. They were happy to have it. I will put it that way. I have had comments from people who purchased this unit who said, "The reason I purchased it was the fact that I felt I got a lot more protection on the front of my car."

Mr. MACKAY. Thank you. I have no further questions.

Mr. FARNSEY. I have no questions, but a lot of sympathy.

Mr. RACINE. Thanks a lot, Congressman Farnsey.

Mr. O'BRIEN. Mr. Keith?

Mr. KEITH. I have a question I would like to ask.

I would like to know how many men or women there are representing either the Federal Government or the automobile industry that have shown sufficient interest in these hearings to see them through all the way to see if they might learn something.

Would you mind, Mr. Chairman, asking if there is anyone in the audience from General Motors, Chrysler, American Motors, or Ford?

Mr. O'BRIEN. Who have been here through all the hearings?

Mr. KEITH. Who are here now. This man has a device pertinent to the problem.

Mr. O'BRIEN. I will relay the question asked by the gentleman from Massachusetts.

Mr. KEITH. Is there anyone from American Motors, from General Motors? What is your job there?

Mr. JAMES M. MORRIS. I am James M. Morris, public relations staff, General Motors Corp.

Mr. KEITH. Anyone from the engineering field? Safety engineering?

Anybody from Chrysler Corp.?

Anybody from Ford? What is your job?

Mr. CHARLES W. DAY. I am Charles W. Day, associate in the Washington office, civic and government affairs staff, Ford Motor Co.

Mr. KEITH. Now for the Federal Government. Is anyone here from the Department of Commerce? What are your positions?

Mr. A. DEWEY JORDAN. I am A. Dewey Jordan, Office of Highway Safety, U.S. Bureau of Public Roads, Department of Commerce.

Mr. C. N. COATES. I am C. N. Coates, assistant to the Director, National Bureau of Standards, Department of Commerce.

Mr. KEITH. Anybody from HEW?

Mrs. ALEDA M. EVANS. I am Mrs. Evans, staff assistant, Division of Accident Prevention, Public Health Service.

Mr. ROBERT J. FUNESTI. I am Robert J. Funesti, staff assistant, Federal Supply Service, Office of Standardization, General Services Administration. We have seen the film.

(Also submitting the following names for the record: Mr. Lawrence P. Redmond, congressional liaison officer, Department of Commerce; Mr. John T. Tucker, Washington office, Automobile Manufacturers Association.)

Mr. KEITH. It seems to me that the Federal Government has, in the past, demonstrated their interest in seat belts, and GSA is the one that

has to do with recommendations on that legislation to us, I believe.

Mr. O'BRIEN. I believe they do the purchasing.

Mr. KEITH. They don't do the recommending?

Mr. O'BRIEN. I don't know just the direction the gentleman is leading into, and I don't want to be caught at this stage—

Mr. KEITH. I don't want to catch you, Mr. Chairman.

What is the patent situation on this?

Mr. RACINE. I have four patents on this device, four American patents and one Canadian patent.

Mr. KEITH. If it was built in at the time of manufacturing, if incorporated right into the bumper itself, perhaps, what would be the cost?

Mr. RACINE. If I had the cooperation of the manufacturers, the cost could come down tremendously for the simple reason that it could be incorporated in the bumper of the car without any sweat.

Mr. KEITH. Then it would not pose a problem so far as appearance?

Mr. RACINE. As far as installation, there is no problem.

Mr. KEITH. What is your experience? We have had a lot of witnesses here who perhaps have not had as much experience as we on the committee would like them to have.

Mr. RACINE. I will tell you that. My experience is that I have been an aircraft engine mechanic since the Second World War. I have always been involved in mechanics. I have been employed by Continental Motors in Detroit, in engine experimental, plus Packard Motor Division. I have worked on Rolls Royce aircraft engines. I was a mechanic for Ford Motor Co.

Mr. KEITH. What is your present source of income?

Mr. RACINE. At the moment? None. I have been working as a salesman in San Diego selling automobiles.

Mr. KEITH. How did you finance your trip here?

Mr. RACINE. Some people came forward and helped me out, friends over the past years. Mr. Calandra has helped me out tremendously. He is a businessman in Buffalo, N.Y. I came from San Diego, Calif.

Mr. KEITH. Has Mr. Nader talked to you?

Mr. RACINE. The only contact we had with Mr. Nader was prior to our coming here. We sent him a letter. That was it. We have talked with Mr. Nader a few times here.

Mr. KEITH. Did he reply to your letter?

Mr. RACINE. Yes, sir. We never had any contact prior to coming here.

Mr. KEITH. When was the letter sent to him?

Mr. RACINE. About 3 weeks ago, or somewhere in there, or 4 weeks ago.

Mr. CALANDRA. I don't have the letter with me, but we sent a letter to Ralph Nader approximately 4 weeks ago, and we spoke with him on the telephone. When we got to Washington a couple of weeks ago, we showed the film to Mr. Nader and Dr. Gikes. That is as far as the contact has gone.

Mr. KEITH. Does he make any reference to this kind of a device in this book?

Mr. CALANDRA. No, sir.

Mr. KEITH. Or this principle?

Mr. CALANDRA. No, sir.

Mr. RACINE. I thumbed through his book, but I have been so busy I haven't had a chance to read it.

Mr. KEITH. If there was solely a hydraulic system in connection with the bumper, but not having the toss seat, would that be of much assistance in overcoming the impact?

Mr. RACINE. Do you mean just a hydraulic bumper?

Mr. KEITH. Yes.

Mr. RACINE. No, sir. It has to be a combination. We have a counterbalancing force. We operate on thirty-one one-thousandths of a second. I don't know if you want to get technical about it, however. I have patents on the shock hydraulic system. The reason this system operates so fast is the fact that it is continuous ID. There is no reduction in the hydraulic lines. We are operating on a 3-to-1 ratio.

Mr. KEITH. Thank you very much for coming.

Thank you, Mr. Chairman.

Mr. RACINE. Thank you for listening to me.

Mr. O'BRIEN. I have a question. You mentioned that some people purchased your seats and have paid as much as \$325 for the seats.

Mr. RACINE. Yes, sir.

Mr. O'BRIEN. Have you had any instances where those people, after purchasing the seats, were involved in crashes?

Mr. RACINE. I have two instances that I know of. In other words, the names of the people I would have to write to and try to get contact with are friends of mine. One man had an accident about 2 years ago. In fact, he was involved in an accident and the whole front end of the car was damaged. He had about \$800 or \$900 damage to the Cadillac. I can produce that name, given a little time, his name and address.

Mr. O'BRIEN. I will put it another way: Have you had any complaints from people who purchased the seat that they were involved in accidents and there was no assistance?

Mr. RACINE. No, sir; I never had any complaints.

Mr. O'BRIEN. Either they worked or they have been very fortunate and have not been involved in accidents?

Mr. RACINE. That is correct.

Mr. O'BRIEN. Thank you very much, both of you gentlemen.

Mr. CALANDRA. Mr. Chairman, I would like to add one thing.

We would like to thank Mr. Nader for taking up the fight for safety for the American public. A lot of people should thank the man for what he has done. The American public will appreciate it.

Thank you very much.

Mr. RACINE. Thank you.

Mr. O'BRIEN. Our next witness is Dr. Gatts, of Massapequa, N.Y.

**STATEMENT OF JAMES D. GATTS, M.D., MANAGER, LIFE SCIENCES
AND SPACE ENVIRONMENT DEPARTMENT, REPUBLIC AVIATION
DIVISION, FAIRCHILD-HILLER**

Dr. GATTS. Mr. Chairman and members of the Committee on Interstate and Foreign Commerce, I am honored to have the opportunity of appearing before you today to testify in favor of the establishment

of Federal motor vehicle safety standards. My name is James D. Gatts. I am a doctor of medicine and a former Air Force jet pilot.

At the Republic Aviation Division of Fairchild-Hiller, I am manager of the life sciences and space environment department and, as such, direct medical and human factors aspects of a variety of terrestrial and space programs including the New York State safety car program.

While I am highly in favor of the safety car program as a reasonable approach to the objective establishment of safety standards based on functional hardware, I would rather confine my thoughts today to those of a physician and an aerospace medical technologist who is deeply concerned with an enormous medical problem.

I shall not waste your time quoting statistics. The problem at this point is not to establish the fact that there is a problem, but rather what, when, and how we should direct our efforts to cope with it. I have heard considerable doubt expressed as to the method of concentrating on the automobile to save lives. I do not believe that anyone would deny that the problem really involves each element in the man-machine complex which includes the car, the driver, and the environment in which and over which it operates.

The problem of assessing the causation of the tragedies associated with failure of the car-driver-road system can be argued from now until doomsday. Frequently, a cause can be found in all three parts of the system. Certainly, all elements and systems need to be optimized and it appears that a great deal can be done in each area.

But, on the other hand, as a member of the medical community I feel that there is an expediency here. Each year, each month, or even each hour that we wait produces an ever-accelerating toll in death and injury and there are good and proper reasons for concentrating on the car as the quickest and most effective approach to attacking the medical-sociological problem of highway death and injury. Some of these reasons include the following:

1. The vehicle is the most feasible from the standpoint of time to change in that one-half of our Nation's automobiles are replaced every 6 years, while an equivalent highway change may require 30 years, and human limitations will probably never significantly change.

2. The vehicle is the most flexible in that essentially all of its features are alterable, whereas variables such as weather conditions on our highways or the effects of aging and driver reaction are controllable only in limited respects.

3. The vehicle is more readily studied, modified, and tested in an experimental laboratory procedure as it is small when compared to the size of a highway system, and simple when compared to the complexities of the human sensory motor system.

4. The cost to the Government of achieving vehicle modifications through scientific action are relatively small. A few million dollars for experimentation with safety cars may eventually produce safety design in cars whose value is tens of billions of dollars. This same expenditure can act as a lever in reducing injuries and property damage that now costs over \$8 billion a year.

For these reasons and many others, I believe that the most feasible and expedient approach to the traffic problem in the United States is to concentrate initially on changing the vehicle.

First of all, the vehicle can be modified in such a way as to reduce to some unknown degree its involvement or incidence in accident situations. This should be done just as quickly as possible. Certainly there are problems involved, and nobody knows exactly how much the incidence of accident situations can be reduced by changing the vehicle, but I don't think anybody would deny that some reduction of accidents will occur by incorporating better human factors design in the operating systems, braking systems, suspension systems, and so forth, in an automobile.

Secondly, and perhaps even more important because it is more highly definable, is the possibility of greatly reducing injury or death resulting from a collision by making the car crash-injury resistant. It is not necessary to debate whether it is the highway, the car, or the operator who actually causes most of the accidents.

While many people would argue these points, I don't think anybody can logically argue with the fact that it is the automobile that causes the injury. Nor do I think that anybody can logically argue that simple, straightforward state-of-the-art improvement in the interior design of the automobile would not significantly and immediately reduce the incidence of injuries as a result of collision.

It is most important to understand that collisions are not synonymous with injury and death. That injury and death is, to a large extent, a result of ill-considered and hazardous interior design in automobiles. Changing this design is not particularly difficult, is not particularly complicated, nor is it particularly expensive.

In the aerospace industry, safety and performance are our business. Certainly mistakes are made, but when repeated accidents happen in the aerospace industry, groups of airplanes are immediately grounded with specific orders. Production line units are modified and modifications are made immediately on field units before the planes are reflighted.

We, like most Americans, think airplanes can be dangerous. My associates in the aerospace industry and my colleagues in the medical profession, and a growing body of Americans also think that automobiles can be dangerous.

People have said that changes in automobile design for safety's sake should be evolutionary and done with careful testing. I won't insult anybody by refuting this argument. Perhaps it is analogous to saying that a faulty aircraft or commercial transport should be transitioned out of service slowly. What we know about physical trauma reduction is so far ahead of the practice that revolutionary change is a necessity.

As to the question of whether safety design will hurt our transport economy, this is a supposition that is not at all based on facts that I can see. First of all, Government control and standards in Federal aviation and commercial aviation have multiplied many times the commercial return and the progress of the industry. There is no reason to suspect that the same thing would not be true in the automotive field.

Secondly, at the present rate each year there are many, many thousands of potential automobile buyers that can't buy because they are buried underground.

Third, certainly a significant portion of the \$8 billion spent to bury and patch up people might well be used to purchase new automobiles.

Fourth, there is no reason to believe that design and construction of a safe automobile would necessarily increase the price at all. It is a fact that many of the safety suggestions offered by various members of the medical profession and engineers would actually reduce the price of an automobile.

Certainly, the appearance of a motor vehicle is an important consideration; especially so to the style-conscious American public. I am amused, but also provoked, with a recent article appearing in a widely circulated American news magazine. The writer is attempting to mislead when he states that a safety car might look like a tank, have a top speed of 40 or 50 miles an hour, and weigh so much that it would be extremely costly to operate.

The writers know that millions of Americans will read and believe the message in that it is carefully worded to get the point across.

I would welcome a comparison of the classical, functional beauty of any high-performance American aircraft with the styling approaches displayed in the automotive industry. I venture to say that functional design is a greater source of true or classic beauty than any transient stylishness whether we are talking about silverware, F-105's, houses, automobiles, or what-have-you.

It is not unusual for automobile stylists to ape functional design of aircraft. Safety design in automobiles does not inherently limit the acceleration or highway speed. In the aerospace industry we are not consciously stylish, but how many of you have recently seen an ugly aircraft?

The systems approach to design and analyses of safety car systems is just as feasible for safety car design as it is for space station and high performance aircraft design. Its advantages are primarily involved in insuring comprehensive analysis of automotive safety requirements by allowing design according to needed function rather than a series of small changes to a traditional product. This approach almost automatically points out the required performance definition.

The method is distinguished by the fact that formal analysis and exact definition of the functions to be performed precede final design of the equipment. From the chosen functions, mechanical systems which perform the functions are defined in terms of numbers.

In this way, the effectiveness of the mechanisms can be measured and logically fitted to the other systems in overall design. A procedure of "set a goal and work to it for design" is formally set up.

For example, a systematic approach to the passenger compartment structural system of the safety car might include: (1) passenger compartment integrity, (2) passenger compartment deceleration and deflection systems, (3) interior contact injury prevention systems, (4) occupant or occupant-injury prevention systems, and (5) passenger restraint systems.

If the goals are sufficiently comprehensive, the systems approach insures similar comprehensiveness in analyzing the problem as a whole.

This approach can examine the entire spectrum of automobile usage by all kinds of people on all existing types of streets, highways, and turnpikes to meet those uses as safety as is possible.

Aerospace safety by design would imply the deliberate incorporation of injury preventing or reducing features into the initial structure of the automobile as a design goal in opposition to adding safety devices or modifying conventional components. Safety by design would also incorporate many human factors—accident prevention—considerations.

The most effective approach to crash injury protection necessitates the assumption that all types of accident situations will continue to occur, and that design safety should attempt to protect a wide range of coverage with particular emphasis or weighing of high injury incidence areas in the auto interior.

I feel that reasonable design goals would include a forward crash impact injury protection at speeds up to 50 miles an hour, a lateral crash impact injury protection up to 40 miles an hour, and an uncomplicated rollover injury protection up to 70 miles an hour.

With these design conditions, it is possible to reduce the total number of occupant injuries by more than one-half, as compared to automobiles now on the road, by employing practical crash injury reduction or protection methods. These design impact speeds encompass between 70 and 80 percent of all injury-producing accidents, including both urban and rural environments.

Our safety car program is the first attempt to design a car to a crash speed rating with predicted results that I know of.

The following are typical preliminary design goals which have been developed to establish the guidelines for the safety car design:

1. The passenger compartment will be designed to be inviolate up to and including all design goals. This means that intrusion of parts such as engines or wheels forward or aft of the passenger compartment will not occur up to any of the design goals. It would also exclude invasion of the passenger area by most blunt objects from outside the car.

2. No crash will cause the steering column to be pushed into the passenger compartment. The geometry and action of the steering column and wheel will not be effected by crushing of the front end throughout design goals.

3. The steering wheel and column will be designed to deflect and absorb energy and will provide adequate impact surface area to resist the motion of the driver's body without serious injury to the chest at the accelerations and force encountered under design goals.

4. Ejection of occupants will not occur in any crash up to the design goals. The doors will remain closed and windshields will not break through.

5. All occupants will be provided with suitable restraint means. Infant and child restraint devices will be available in both front and rear seating areas. The psychological acceptance of the restraint system will be maximized by deliberate design considerations.

6. Occupants not using restraint will be significantly safer than in cars of conventional construction under the same conditions.

7. Impact injury-producing structures will be removed from the sphere of contact with head, shoulders, and chest of the restraint occupant wherever possible. Where this cannot be accomplished, the design will be such as will minimize the injury potential of the

mechanism by limiting its strength to avoid excessive unit area pressures on the body.

8. Glass panels will be chosen to provide maximum deflection to alleviate head injuries. In accomplishing this, the size of glass fragments produced and other potential danger will be considered.

9. Gas tanks will not tear loose or rupture from internal pressure under any design goals. The structure adjacent to the gas tanks will be such as to minimize the possibility of the tank being pierced by collapsing structure.

10. Injury-producing mechanisms will be constructed in such a fashion as to:

Increase deflection rapidly under load;

Absorb energy; and

Increase contact area with the body as the deflection increases.

The aerospace approach to crash injury prevention is to establish an optimum design point that allows a maximum incorporation of psychologically acceptable crash injury protection features within a reasonable cost range. The problem is considerably simplified when safety design is a primary goal and not confined to adding gadgets to the passenger compartment.

We have, for the last 25 years, seen many excellent groups such as the Stapp Conference, the ACIR, the Federal Aviation Agency, and many other civilian and Government research groups turn out reams of excellent studies.

We could continue this for another 25 years with more equally good intentions and no results—this approach becomes little more than a pseudoscience. With this same approach we could still be experimenting with and analyzing how to improve the Wright Brothers airplane flown in 1903, but people developed new concepts and had the courage to build and test them.

The point I want to make is that we know at present more than enough to make many progressive steps in the design of an automobile. How many times do we have to pick pieces of glass, instruments, tin, radio knobs, rearview mirrors, and so forth, of people's faces—vice versa—to realize that placing them in an impact position isn't good safety design. We are not geniuses in the aerospace industry, but we do know enough to close the windows when it rains. We have been in the safety business for many years. Republic Aviation has a record of successful aircraft ejection in 94 percent of the attempts. We are used to the responsibility of building aircraft to military and Government standards.

It is interesting to ponder what the savings in human life, crippling, and maiming injuries might be if the entire billion dollars for retooling at the end of this year were spent in retooling specifically for safety.

The fact that we are 25 or 30 or more years late in establishing mandatory safety standards, or that we may not initially write perfect safety standards, or that we might offend somebody, or that we have a natural resistance to change does not negate the responsibility to protect American people from continued physical trauma as a result of automobiles which are hazardously designed or produced.

Mr. O'BRIEN. Thank you very much, Doctor. You obviously have vast experience in this field. Your position is that we should proceed to solve whatever problems we can at the earliest date.

Dr. GATTS. Absolutely. The writing or implementation of standards in the aircraft industry is a continuing process that must be modified as new conditions arise.

If nothing more, the continuous increase in traffic in the air requires new regulations and controls. The same thing is true for standards in the automotive industry. We will never write perfect standards because we are dealing with a dynamic system.

Mr. O'BRIEN. You think, however, that there may have been some overemphasis on the alleged lack of safety of the existing cars?

Dr. GATTS. Would you repeat that, Mr. Chairman?

Mr. O'BRIEN. Do you think there may have been, in the discussions, some overemphasis on the alleged lack of safety in existing automobiles?

Dr. GATTS. That question really calls for opinions. I might say in some ways, yes. I don't think anybody should be so much interested in picking out any organization and scolding or chastising them. The goal, as far as I am concerned, is not who is to blame but what can be done about the situation at this point.

Mr. O'BRIEN. And the overdrawing of a case could result in selecting a culprit and letting everything else go by the board.

I read some interesting figures awhile back that one out of five or one out of six cars made since 1960 new cars, were recalled. I know what my reaction was—that they were all recalled because of proven lack of safety.

Then we saw some fine print and some followups and we discovered that that was not true. That did not minimize the desirability of correcting the lack of safety features, but I think when we throw the idea at the American people that every fifth car made since 1960 is unsafe, we are exaggerating our case. I don't think we have to do that to bring about a correction.

Dr. GATTS. Yes, sir; I see your point.

Mr. O'BRIEN. Are there any questions?

Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Dr. Gatts, this is a tremendously encouraging bit of testimony, because it obviously comes from someone with scientific training. Many of us who are pressing for a new Federal role believe that we can do better than we are doing based upon what we observe.

Colonel Stapp is here to complete his testimony, but the most arresting thing I have heard from him is that more than 42 percent of the fatalities occur under survivable conditions. I notice that you say that more than half of the injuries could be eliminated.

Dr. GATTS. Yes, sir. I think a minimum of half of the deaths and injuries could be eliminated if the interior of the car were designed specifically to protect people—well, the whole car, of course, but perhaps more attention should go to the passenger compartment.

Accidents are happening every day, and to not build in protection for people in an accident situation becomes somewhat indefensible, I would say.

Mr. MACKAY. The automobile industry has expressed concern that we might have unrealistic safety standards adopted which would really cripple the industry. You have had experience in space and aviation. I realize it is not a perfect analogy, but do you see how the prototype cars, such as you have worked on, could harm the industry?

Dr. GATTS. No, sir; I do not. I think the prototype car is a research tool in the sense that it may show, by, you might say, an objective group, what might be done, what might be capable of being done in the way of safety design.

Mr. MACKAY. I would like to know what you had to do with the feasibility study of the New York State safety car program, the first report.

Dr. GATTS. The section entitled "Crash Injury," the first section in there, was written by me, sir.

Mr. MACKAY. We have not had any cost figures presented by the administration on research. We know what we are now spending, and we know it is not much.

Would you be able to state in an offhand way, based on your knowledge of the whole situation, what you think would be an appropriate budget for research on traffic safety per year by this Government?

Dr. GATTS. I would like to not make any comment there, sir. I don't feel that I am qualified to answer that question. I think, certainly, a forward, progressive research program could be formulated, and a budget for it could be figured. But just off the top of my head I would be reluctant to answer that question.

Mr. MACKAY. Would you be willing to develop some figures if it just relates to the prototype car?

Dr. GATTS. Yes, absolutely. As to this part, I think there already have been some budgetary figures quoted which, if I recall, are in the order of \$5 million for the actual construction of the car.

I believe that is something like a half dozen prototype units suitable for crash testing.

Mr. MACKAY. One other question: Do you think the element of competition would be desirable in the development of prototype cars? I know in space contracts they will let contracts to different corporations and say, "We want certain results and you can go about it any way you want to get it."

Do you think, for instance, if there was a California prototype car project and one in New York having different teams would this probably get results quicker?

Dr. GATTS. Absolutely.

Mr. MACKAY. If you do it by contract with a private enterprise, you don't have the heavy hand of the Government, but you have an energetic, private research team, do you not?

Dr. GATTS. We have a very energetic team at Republic. We find it a fascinating project.

Mr. MACKAY. Did you see the Protectomatic device?

Dr. GATTS. Yes.

Mr. MACKAY. Do you have an opinion on it?

Dr. GATTS. I think it is a very interesting device. This is the first time I have seen it. I would not have an opinion that I could give

right now. We have received thousands of such ideas and we have quite a file of this material already.

This is a very interesting idea, I think the lack of lateral protection limits it somewhat, but perhaps that is not really a handicap to making use of the device.

Mr. MACKAY. Do you think Congress should require that an agency of the Government screen or consider every safety device on a vehicle that might be brought to Washington? The inventors complain that they can find no one.

Dr. GATTS. That is a question somewhat out of the area that I am qualified to answer, sir. I think there should be some way of translating improvements and ideas into motor vehicles. I don't know whether this should be a private agency, a Government agency or what. But if it is a good idea, I don't think it should sit around for 10 or 15 years before anybody recognizes it or looks at it.

It is true that many times private organizations do not have the funds to finance advertising and publicity campaigns necessary to get these things into circulation.

Mr. MACKAY. Do you know of any point in the country where all present research is pulled together?

Dr. GATTS. No, sir.

Mr. MACKAY. No further questions.

Mr. FARNSLEY. Thank you, Doctor, for an excellent paper.

Do you belong to the American Association of Automotive Medicine?

Dr. GATTS. I do not belong to that, but I do belong to the Physicians for Automotive Safety.

Mr. FARNSLEY. I think you let Public Roads off too easy.

Dr. GATTS. Sir, I didn't mean to let anybody off. The main point I wanted to make is that I personally think the automobile is the quickest and fastest way. But I hope I made the point that this is a complex situation and involves all of the elements, including the weather, the road, the driver: his age, and so on.

I merely concentrated on the automobile because I think it is a more expedient approach to positive results.

Mr. FARNSLEY. I think we ought to have a double-barreled approach. I think you are right about the automobile. The Government says we will watch the automobile manufacturers, and I thought maybe we could let the automobile manufacturers watch the Government about the standards for their roads, streets and highways, but then they get together and say, "We won't bother you if you don't bother us."

I don't know what to do about Public Roads. They don't even know that people can't see in the dark. You could light the highways in 2 years. You know how many lives that would save. You could make them one-way in a few years. You know how many lives that would save and how much property damage would be reduced.

On automobiles you can do it fast but it is very hard to do it on old cars. It is not hard to light old streets and highways.

I will give you my propaganda seeing that you gave me yours.

Dr. GATTS. Thank you.

Mr. SATTERFIELD (presiding). Mr. Keith?

Mr. KEITH. Are you by chance an amateur in the field of traffic safety or road design?

Dr. GATTS. Sir, I claim little, if any, authority here. In discussing the problem of injury in cars you cannot stay completely away from roads. Yet it is not my area of experience.

Mr. KEITH. Thank you.

Mr. SATTERFIELD. Are there any other questions?

If not, thank you very much, sir.

Dr. GATTS. Thank you.

Mr. SATTERFIELD. Colonel Stapp.

Mr. MACKAY. Mr. Chairman, Colonel Stapp came on the other afternoon, very late in the afternoon, in fact, with only four of us left, and I regret there are not more present today because the chairman then felt that his testimony was so vital that we had hoped that more of us could hear it. I felt that way, too.

I want to say for the benefit of the other members of the committee what I said then, and that is that Colonel Stapp is one of our great national heroes, in my opinion, because of his work in discovering the limits of durability of the human body. He did the bobsled tests at risk to his own life. I think a lot of the heroes in wartime would not have been heroes if they had not had the benefit of his research.

Of all the people my office has talked to, we have been more impressed with his dedication to the idea of human safety and his careful investigation of the subject than most anyone we have met.

I would like to pay my respects to him.

Mr. SATTERFIELD. I would like to say that we are all acquainted with Colonel Stapp's history and the contributions he has made in this field. We are sorry we were not able to complete his testimony the last time he was here.

We appreciate your coming back. If you would like to pick up where you left off, we would appreciate it.

FURTHER STATEMENT OF COL. JOHN P. STAPP, USAF, CHIEF, IMPACT INJURY BRANCH, ARMED FORCES INSTITUTE OF PATHOLOGY

Colonel STAPP. Mr. Chairman, I wish to thank Mr. Mackay for his very kind words and to state that it is a privilege to be invited to speak on research in lifesaving. It is very applicable to traffic safety.

I should like to address myself to sections 104 and 105 of H.R. 13228 as they relate to the potential military contributions to traffic safety research and to cooperation with other Government agencies in the area of traffic safety.

At present, I am assigned to the Armed Forces Institute of Pathology as Chief of the Impact Injury Branch. I have been there approximately 1 year. The objectives that were set for me to attempt to meet were (1) the development of a registry of accident pathology so that statistical and epidemiological studies could be made to measure and to attempt to find remedies for the very large loss of life and hospitalization rate from injuries incurred in the armed services, partly because the ages of people in the armed services preclude the

loss of life from cancer and circulatory diseases which are usually terminal for the human race.

Military accidents, injury, and death rates far exceed any other causes that we have for death and illness. This much we have been able to put together during the past year to help justify starting a Registry of Accident Pathology so that we can organize our work in this area.

If I have permission to present these slides, I will attempt to make my points.

(A slide was shown.)

This will outline the size of the problem in the Armed Forces and compare it with illness and death rate from all other causes. I have been much impressed in looking through our archives of approximately 700,000 autopsies at the Armed Forces Institute of Pathology with the potential there for good statistical studies. We are dealing with the best documented population in the world when we take up personnel of the Armed Forces. They are documented from fingerprints to death certificates with great detail.

Taking the 20-year period from just after World War II, or approximately the 1st of January 1945, to the end of December 1964, we were able to assemble data from Army, Navy, and Air Force sources showing that accidents had taken 97,117 lives, while all other causes took 27,592. The man-days lost in hospitalization from accidents are a sizable portion of the total for all causes.

(Slide.)

As a background for these figures which are given in absolute numbers rather than percentages or rates, we can look over the average troop strength during the 20 years 1945 through 1964 during which the Air Force became a separate entity from the Army, and then the average troop strength per year with the past 5 years so that this could be compared with the absolute figures that we give you on accident, death, and injury.

(Slide.)

Broken into 5-year periods, you can see that the 5-year period 1945-50, the Army, which also combined the Air Corps, recorded 28,388 deaths from accidents, versus 7,583 from other causes.

Going to 1955-60, down to the bottom, to the total, you can see that for that period, 19,289 deaths occurred from accidents versus 5,386 from other causes.

This is a consistent trend through the 20-year period.

(Slide.)

Our cost figures times 1,000 in this table are derived from assessing \$40,000 for each death as the cost, and the \$42-a-day cost of hospitalization for each man-day spent in hospitals. The cost is rather enormous when you multiply down to the totals, accidents versus other causes, per 5-year intervals, the cost in deaths and man-days of hospitalization. It gets to over \$1 billion for 1955-60, the last complete year we had, for costs of burying and hospitalizing people.

(Slide.)

By yearly intervals 1960 through 1964, and the figures are incomplete for 1963-64 for the U.S. Navy, this gives a conception of the annual trend. This is for all accidents. Most of them, however, are motor vehicle accidents. This only includes the personnel in uniform

and not their families. We had 1,228 deaths. It went from 950 to 1,140 deaths for the Army from accidents versus 507 to 562 from all other causes in those annual figures.

When we go to the totals we find roughly three times as many people killed by accidents as from other causes in the annual figures.

(Slide.)

The loss by sick man-days represents a sizable loss of effective effort and causes us in the Medical Corps of the three Armed Forces who are charged with the responsibility for conserving the fighting strength with realizing we have here our worst epidemic.

The last year we had complete totals for is 1962, 1,744,321 man-days lost on accidents, versus 7,786,241 for all other causes.

In looking back over the history of the Medical Corps, we can say that accidents have replaced venereal disease as a factor for time lost from duty and hospitalization. The same epidemiological research methods that reduced the venereal disease problem to a nonhospitalizing situation in most cases can be applied to reducing our accident epidemic problem.

(Slide.)

Briefly, through the totals for the complete years that we have, 1960, 1961, and 1962, the totals at the bottom for accidents, we are paying around \$200 million a year, and that is a total waste. It comes out of the pockets of taxpayers and reduces the effectiveness of the Armed Forces.

(Slide.)

One of the activities which I have proposed, which has received some favorable consideration, is if we put together a working committee on accidents of the three Armed Forces. Here are some suggested activities for it. This has not come about yet, but is under consideration. This is shown as background for my further suggestions relating to sections 104 and 105 of the bill.

Once again an overall approach to this problem, we can begin translating research and analysis into application for training, for regulation, and for requiring protective devices and practices for accident prevention.

My activities in this area of accidents and of protection from bodily injury began in 1946. At that time I was assigned a project to determine the tolerance of the human body to impact forces such as were proving fatal in many aircraft crashes.

To make this brief and simple, our concept of determining human tolerance to mechanical force consisted in reproducing the conditions of an aircraft crash as realistically as possible under controlled and measured conditions, and then to expose the human body to progressive increments of crash.

The velocity of aircraft, as it would probably be at the time of a crash, could best be reproduced with a rocket sled. A launching track was available at Edwards Air Force Base, left over from testing of V-1 rockets of World War II. A contractor, the Northrop Aircraft Co., built a rocket sled weighing approximately 1,500 pounds and of strength sufficient to withstand 200 times gravity loads of impact.

This sled, propelled by rockets of the type used in launching aircraft, so-called JATO bottles, solid fuel rockets, could be used to attain

aircraft velocities. A system of mechanical friction brakes, very powerful, capable of providing as much as 1,800,000 pounds of braking force, could be preset to give any desired deceleration, slowdown pattern or stopping pattern, that we wished.

A series of experiments began in which the rocket sled accelerated to the velocity of about 180 miles per hour in approximately 700 feet, to burnout of the rockets in 5 seconds, with a period of a half second from burnout before entry into the brakes. At that point the velocity of the sled could be changed by mechanical friction brakes, as you will see in the motion picture.

The occupant fastened in the seat of the sled would be exposed to the decelerations of this sled simulating aircraft crash. By progressive series of experiments, we could find out the limit of voluntary tolerance. Further experiments to further limits were accomplished with suitably anesthetized animal subjects.

We will show you a portion of a motion picture that will demonstrate how these experiments were accomplished. The importance of this is that the data attained from these experiments not only served the Air and the Armed Forces in terms of protection in aircraft crashes, but was freely turned over to the automotive industry as early as 1955 for evaluating human protective measures that could be taken in automotive crashes.

(Film presentation.)

This shows the back of the seat, a strong steel seat with the same configuration as an aircraft seat, with the subject prepared for a forward-facing deceleration. This is the four channels of telemetry for translating the impact forces for recording and for telling us what happened during passage through the mechanical friction brakes you briefly saw.

This is a view of the subject during impact from a camera looking toward him through a tunnel in the windshield of the sled. You can see the instruments mounted on the helmet, on his chest, and under the seat.

In this 1,500-frame-per-second motion picture profile we see the subject entering approximately 169 miles per hour and slowed down to 79 miles per hour, almost a 90-mile-per-hour deceleration, in 26 feet. At this point, 36 times his body weight of force is pushing him into the restraints.

We used nylon webbing restraints about 7,200 pounds tensile strength, double thickness of straps. In this case there were shoulder straps, seat belt, and a tiedown strap from the belt buckle under the thighs to the corners of the seat.

The subject rebounds from this impact lasting 160 milliseconds, with some 6,900 pounds of force. There is no loss of consciousness, no injuries.

Here we see a closeup of the brakes in action. They consist of two parallel keels 11 feet long under the sled passing between jaws that grip like vises. The cam on the front of the sled trips the triggers and allows the brakes to close. This was our maximum run in which the subject was exposed to a change of velocity of 154 miles an hour to 34 miles an hour, a 120-mile-an-hour speed change in 32 feet, and to 4 tons of force, 45.2 times gravity, during passage through the brakes.

The accelerometer is held in the mouth, one on the chest, one on the right knee, another under the seat, with telemetry transmitting impact information. The subject's status is examined immediately before the run and comparable measurements made on him, observation and physical examination afterward.

We find that 4 tons of force did not produce loss of consciousness. You see here the head-on closeup at 128 frames per second. The subject is able to walk away from a 45.2-G crash, which would have been completely demolishing to light aircraft of that time. This is photographed slowed down about fourfold. The profile views of the sled in deceleration that you saw were at about 1,500 frames per second.

We tested the body and forward-facing and backward-facing positions. We also tested restraint systems using parachute dummies. Here you see a parachute dummy accelerated to 180 miles per hour, entering the brakes at about 160 miles per hour. The sled comes to a stop in 26 feet from entering the brakes. The harness failed. The dummy went through inch thick tongue-and-groove pine plank and sailed through the air 110 feet before landing between the rails.

This is a beautiful demonstration of the momentum of the 180-pound body. The same thing could have happened to a man. The accelerometers before the cables broke were recording 32 times gravity, or 6,800 pounds load on the dummy.

We did a total of 73 human experiments in this series; 19 of them in the backward-facing position that we will show you in a moment. This is a subject sitting backward. You will note there is no relative motion of the body except for the arms flailing backward briefly, so all of the strong back surface of the body is used to sustain load. There is no snapping or snubbing such as occurred in the forward-facing ride. This is what we have recommended as the best protective position for air transport passengers.

The crew can wear a lot of harness and sit facing forward, but the passengers, restrained by seat belts, only have optimum protection against crash forces in this position. Passengers in the forward-facing position in air transports have been known to flail forward in their belts which were fastened according to their own whims.

In 1960, in an Electra crash which occurred at Logan Airport in Boston, there were 45 sets of fractured skulls against the food trays in the backs of the seats in front of the passengers and 38 sets of broken legs from flailing into the understructure of the seats. This can be avoided with a passenger held in a position where no flailing occurs.

Automobile crashes occur at considerably lower velocities and there is more forward clearance, lower forces, and, therefore, there is less urgency about seating backward in an automobile. The subject here, after being exposed to 38 times gravity in a backward-facing position, is getting out of the seat and getting ready to do some calisthenics to demonstrate he has sustained no injury.

This is a device with which we demonstrate tolerance to impact while restrained with a seat belt only. This is a rubberband catapult. It is portable. It is about 25 feet long, 2½ feet wide, with the seat mounted on rails which is shot forward, as with a slingshot, and stopped in about 2 feet of mechanical friction, spring-loaded brakes.

The stop that you see here will be from 18 miles an hour in about

6 inches. This was done with four different subjects to demonstrate to those who questioned the efficacy of seat belts that loads up to 4,800 pounds could be tolerated. This is a 4,800-pound deceleration against the seat belt.

At that time, for automobile purposes, there was some argument about going up to even 4,000 pounds on the tensile strength of seat belts. But it was demonstrated that this man, with some pain, could tolerate 4,800 pounds of impact during 40 milliseconds in going from 18 miles an hour to a stop in 6 inches.

We used four different subjects because none of them wanted to volunteer for it a second time. The only injuries sustained here were painful back and neck muscles on the day following due to the sudden stretching.

I think we can stop the film here because the rest of it demonstrates other devices, but doesn't bring any new material to the subject.

We carried on these experiments to the limit of aircraft structure capability, not necessarily to the limit of human capability. We did experiments with anesthetized hogs, bears, and chimpanzees, on up to lethal and very injurious points and found that as a rule of thumb, the upper limit of human voluntary tolerance is between a fourth and a third of the limit for death or serious and permanent injury. This gives a very good spread within which to work in terms of human protection.

To date, in all the transportation devices that we have, airplanes or what have you, the protective devices have not quite gone to human limits, only to the limits of willingness and in a few cases the limits of strength of structure of the transportation device.

I have a few slides to show by way of explaining how rocket sled information can be translated into airplane and car crash application. (Slide.)

This diagram shows deceleration from 154 to 34 miles an hour in 31 feet during which the subject experienced 46.2 g.'s measured on his chest, 45.4 measured on the sled frame. This amounted to 8,000 pounds' load. If we were to take the same 8,000-pound load and start at 120 miles an hour instead of 154 and go to a complete stop, while the subject experienced a 4-ton load, the distance would be telescoped to 19 feet. What this means is that a jet aircraft at its normal landing speed can be brought to a halt in one-third its length and have the pilot walk away if he is properly protected.

If we were to express an individual to a 4-ton stop from 60 miles an hour to zero, the calculated distance is reduced to 3 feet. This means that a man can walk away from a 60-mile-an-hour crash in the usual distance that the front of the car will telescope against a stone wall and not necessarily be injured if nothing has collapsed on him, if his restraints hold, and if he is securely restrained.

This is more than a seat belt, of course. This would be with shoulder straps and lap belt, or else seated in the backward-facing position. We have even done experiments in which we have gone to higher than speed of sound with the rocket sled, to a speed of 708 miles per hour, stopping in 160 feet, in three-tenths of a second, and had survival of a chimpanzee seated in the backward-facing position. This is lethal to a chimpanzee seated in the forward-facing position.

So we have gone through pretty much the gamut of speeds with which an individual might expect to begin to stop, and to minimum distances that sled structure could withstand while putting an individual to a stop. There is no lack of information on the tolerance and survival limits.

(Slide.)

In going from 154 to 34 miles an hour in 31 feet, this is the graph of change of force experienced by the subject. It takes roughly one-tenth of a second to reach the peak and about another one-tenth of a second, or a little more than a one-tenth of a second for the force to decay at the end of this deceleration.

(Slide.)

Here are deceleration curves by industry-sponsored and industry-accomplished crashes of automobiles against barriers and against other automobiles. You can see that the curves roughly compare in duration and pattern, and magnitude. The delay that you see in the upper curve there of seat belt load compared to peak of the deceleration represents the time it takes to translate the force from the front end of an automobile to the body of the subject after compressing the front of the automobile 29 inches, the deformation curve, and after stretching the webbing of the harness restraining this dummy subject. Even at higher velocities the forces are less in the lower curve, which is a car-to-car crash with two vehicles.

(Slide.)

This is a diagram of the restraint system used in the 154- to 34-mile-an-hour crash.

(Slide.)

This is the standard Air Force fighter restraint system, a system of shoulder straps and seat belt.

(Slide.)

This is the seat belt alone.

(Slide.)

This is a diagram of the 4,800-pound test which you saw in the motion picture. The one place where these principles have been applied most effectively and completely is in the Mercury capsule.

(Slide.)

This is a diagram of the restraint system of the Mercury astronaut who lies on a couch of foam plastic 5 inches thick which will deform and stay deformed, who is held in place by shoulder belt, seat belt, chest belt, knee restraints.

Furthermore, under the couch is a supporting structure of crushable aluminum honeycomb. This was tested and developed at Wright Field Aero-Medical Laboratories when I was chief of that laboratory. The combined energy absorption of the crushable aluminum honeycomb and of the foam plastic lining attenuates from a 90 times gravity impact to less than 20 times gravity. So in a very compact form we have all of the energy absorbing potential for protecting the occupant that could be developed.

Furthermore, where safety was the prime consideration at any cost, the body position was such that all impacts of acceleration to orbit, of reentry and of landing were with the subject in the backward-facing position so that he is pressed down into the couch.

The amount of information which could be translated from airplane and space research to automobile application, and the amount of information we were able to give the Society of Automotive Engineers, of which I am a member, for helping to prepare the SAE standards for seat belts indicates the potential for what could be done in direct research on the vehicular crash protection problem if we were permitted to do such research.

But, since 1956, the Armed Forces Appropriations Committee has forbidden any moneys to be appropriated for research which might relate to off-base accidents, on the assumption that these were properly the province of another branch of the Government, the Public Health Service, and at the same time the Public Health Service has never received appropriations for doing any research on military off-base accidents.

We are therefore in a dilemma, something like trying to do research on malaria but confined to doing research on on-base mosquitoes while leaving alone the off-base mosquitoes.

Furthermore, in the statistical area we have more complete information and more accurate data on our personnel which might be applied, for instance, in driver accident studies. We have complete records of the drivers and their family history, if you would like. If there is any information we want, we can get it. Military personnel cannot refuse to give it to us.

So with the facilities for statistical analysis, the computer that we have at the Armed Forces Institute of Pathology, and the mechanism for collecting this information, I think we could outdo any presently operating civilian agency in terms of accuracy.

This is lost unless there is some means of supporting research in this area. I therefore ask consideration be given to a modification of sections 104 and 105 which would include support of military research and include military organizations in the cooperation terms described in section 105 of H.R. 13228.

Thank you.

Mr. SATTERFIELD. Thank you, Colonel. I have one question I would like to ask at this point. The slides you showed us were of accidents in total.

Did you have any information as to what percentage of those accidents were the result of automobile collisions?

Colonel STAPP. The last 5 years, 1960 through 1965, the Army, Navy, and Air Force each ran between 400 and 600 persons killed per year, in uniform, in automobile accidents, and this does not include members of the family not in uniform.

The on-base accident deaths run under 25 per service per year, on the average. So practically all of it is off-base accidents.

Mr. SATTERFIELD. The figures you showed us on the slides include all accidents?

Colonel STAPP. Yes, sir; they do include all accidents. I just wanted to show that this is our big epidemic.

Mr. SATTERFIELD. What percentage, as a rule of thumb, would you say were attributable to automobile accidents?

Colonel STAPP. At least half of all the accidents.

Mr. SATTERFIELD. I have one other question: Does the Air Force and do all the Armed Forces, gather information about the accidents that occur on base and investigate them?

Colonel STAPP. Yes, sir. Various agencies do, some of them police-type agencies, of course, gather the information for possible action in cases where laws are violated, and hospitals gather the information for their reasons.

It seems that although we can't do research on off-base accidents, we still have to treat the people injured in off-base accidents in military hospitals.

Mr. SATTERFIELD. Then that information is available to someone who could coordinate it?

Colonel STAPP. Yes.

Mr. SATTERFIELD. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Thank you again, Colonel, for your patience. I attributed a figure to you a while ago that more than 42 percent of the fatalities on the streets and highways occur under survivable conditions.

Did I quote you correctly?

Colonel STAPP. You certainly did. That is a conservative figure.

Mr. MACKAY. I may have been in error about the number of service personnel killed in traffic accidents compared with those killed in combat.

Do you know the most recent tally on the number of men who have died from hostile action in Vietnam? Just approximately, if you can.

Colonel STAPP. I can state, I think without breaking security, about to March 1, 1966, from the beginning, it was 1,527 from hostile action, and in that theater about 260 or 270 from traffic accidents.

Mr. MACKAY. U.S. service personnel everywhere in the world, during this same period of time—how many have died in traffic accidents?

Colonel STAPP. We estimate, up to March 1 of this year, 1,527 being killed in all up to that time in hostile action, that it would be compared to over 11,000 killed from accidents, not just automobile accidents but all accidents, all over the world, in the same length of time.

Mr. MACKAY. Can you give us a breakdown on the number who have died in auto accidents or vehicular accidents?

Colonel STAPP. I would say probably 5,000 or 6,000. About half of the 11,000.

Mr. MACKAY. Would it be correct to say that three times as many service personnel have died from traffic accidents than have died from hostile action during this period?

Colonel STAPP. Yes, sir; that is right.

Mr. MACKAY. I have no further questions. Thank you.

Mr. SATTERFIELD. Mr. Farnsley?

Mr. FARNSLEY. Colonel, have you compared the rate of accident injury of soldiers to the rate of accident injury of men of the same age group in civilian life in this country?

Colonel STAPP. It runs about the same.

Mr. FARNSLEY. That rate of accident injury in Vietnam, is that about the same as it would be if they were here or do you know?

Colonel STAPP. It is probably considerably less because they are busy with other things besides automobiling.

Mr. FARNSLEY. There is no way to answer the question, really, whether the boys are safer in this country or there, is that it?

Colonel STAPP. That would be very difficult to evaluate.

Mr. MACKAY. I understood your testimony to be that if you had the authorization and the appropriation to spend money for this purpose there could be significant data touching on the cause of accidents and resulting injuries based on information in your hands now run through the computers that you have.

Colonel STAPP. Very much so; yes, sir.

Mr. MACKAY. Thank you.

Mr. FARNSLEY. A distinguished member of our staff has suggested that school buses and other buses have seats set backward. From what you said that makes sense, does it not?

Colonel STAPP. I would strongly recommend that; seat belts and backward-facing seats.

Mr. FARNSLEY. Why don't people want to sit backward?

Colonel STAPP. It is habit, I think. It is a habitual situation to sit facing forward.

Mr. FARNSLEY. If the people in the back seat of an automobile, as in some station wagons, were facing the back, they would have the same protection they have in airplanes, would they not, if facing backward?

Colonel STAPP. No, sir. In airplanes we are not as likely to have rear end collisions as in automobiles, so there is a trade-off situation there. I have no reservation about recommending backward-facing seats for military air transportation, military and civilian, and experience has pointed that out where we have used backward-facing seats. But the backward-facing individual in a station wagon might have difficulties in a rear end collision.

Mr. FARNSLEY. I think very few people realize that so many accidents are not head on, that there are sideswipes and all other kinds. Most accidents are not head on.

Isn't it true that a layman thinks you are going to run into something? But someone is taking evasive action in an automobile before a crash, is that true?

Colonel STAPP. There are stereotypes of accidents. I think Cornell has worked out the percentage of frequency of occurrence from accidents from any angle of attack between automobile and solid object or between automobiles.

Wherever you sit in an automobile you are exposed in practically every direction.

Mr. FARNSLEY. Thank you.

Mr. SATTERFIELD. Are there any other questions?

Colonel, I want to take this opportunity to thank you again for your patience and for returning today, and for your contribution to the committee.

Colonel STAPP. Thank you, sir.

Mr. SATTERFIELD. This concludes the list of witnesses for today.

The committee will recess until 10 o'clock tomorrow morning.

(Whereupon, at 3:50 p.m., the committee recessed, to reconvene at 10 a.m., Thursday, May 12, 1966.)

TRAFFIC SAFETY

THURSDAY, MAY 12, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to recess, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

The CHAIRMAN. The committee will come to order.

I am sure everyone knows this is a continuation of our hearings on bills concerning highway safety. Our first witness this morning is the Honorable Howard Pyle, former Governor of Arizona, president of the National Safety Council.

Governor, do you wish to introduce the gentlemen who are with you and state their capacity for the record?

As we have said before, we would appreciate your being as brief as possible in your presentation. We are trying to finish these hearings today, if possible. This is the fourth week. We have heard from so many on the many different aspects of safety. From your association with the National Safety Council, we are sure you have something new to contribute to the hearings. You may proceed.

STATEMENT OF HON. HOWARD PYLE, PRESIDENT, NATIONAL SAFETY COUNCIL; ACCOMPANIED BY W. G. JOHNSON, GENERAL MANAGER; AND HARRY N. ROSENFELD, GENERAL COUNSEL

Mr. PYLE. Thank you very much, Mr. Chairman and members of the committee.

On my left is Mr. William G. Johnson, general manager of the National Safety Council; and on my right, Mr. Harry N. Rosenfield, general counsel of the National Safety Council.

I trust when we reach the question-and-answer interlude, we may be considered as a panel to whom you may direct whatever questions you have.

May I begin, rather than end, my statement with our conclusions on what has become the most controversial aspect of H.R. 13228, to wit: Federal safety standards for motor vehicles.

1. The National Safety Council has agreed with the basic approach of the administration bill, H.R. 13228, namely, that there is wisdom in a system of safety that provides for both (a) voluntary industry high performance standards; and (b) mandatory Government minimum performance standards.

2. The Council is not satisfied with, and urges the Congress not to "settle" for, minimum Federal safety standards alone.

3. The Council must disagree with those who urge that the best way to obtain motor vehicle safety is through Federal minimum safety standards alone, because in our judgment such a position could result in congressional action that would:

(a) Absolve the automotive industry of its inherent obligation to achieve voluntarily the highest practicable safety standards for its products, and to do this as rapidly as possible; and

(b) Rely primarily on minimum Federal safety standards—which have a tendency to become a ceiling for safety rather than a floor.

4. The council urges the Congress not to enact “half loaf” safety legislation. The council believes that reliance primarily on minimum Federal safety standards, to the detriment of voluntary industry high-performance standards, is “half loaf” safety.

5. Finally, the council again advises the Congress that the high degree of traffic safety we all desire requires that Congress deal with the full range of safety measures affecting cars, drivers, and highways, which we have put before the Congress.

Now may I tell you in some detail why we feel this way, and how we believe H.R. 13228 can be strengthened to provide the maximum traffic safety for the American people?

The President has quite properly said that traffic accidents are the second most serious problem facing the Nation, second only to the war in Vietnam.

It is simply disgraceful that, since 1961, we have lost four times as many American servicemen in motor vehicle accidents as our enemies have been able to kill in all the bitter fighting in Vietnam.

U.S. motor vehicle accidents in 1965 killed 49,000 men, women, and children. Injuries disabled 1,800,000, and an equal number suffered nondisabling injuries. Economic costs which can be tabulated aggregated \$8,500 million.

These are tragic and costly facts, but little more so than the records of other years when too little, too late, in the way of corrective measures has cost us far too many killed, too many injured, and too many dollars needlessly wasted. Prevention expenditures in scale with this economic burden are badly needed and fully justified, and the Federal Government is long overdue in assuming its appropriate role.

Industry has shown noteworthy progress in the control of on-the-job accidents, but public agencies responsible for so much of what is needed to curb such killers as traffic accidents have not been so successful.

So we are grateful for the awakening that now finds all levels of Government, led by the President, distinguished congressional leaders, Governors, mayors, and others, showing a commendable and meaningful determination to be as responsible in traffic safety as Government should be in all matters of such critical concern to the national welfare. We believe that the resultant stimulation of public discussion and informed focus on the complexities of traffic safety will produce measures to save many a motorist from death, injury, and economic loss.

Commenting now on H.R. 13228, may we begin by reviewing certain of the principles that are basic to the NSC's position on traffic safety.

1. The American people can have just about as much traffic safety as they are willing to pay for—in terms of dollars and discipline. Traffic safety does not come cheaply.

2. No one panacea, or even a baker's dozen of panaceas, as such, will meet the safety needs of the American people. There must be a balanced, comprehensive, and systematic program stressing all of traffic safety's essential aspect, including the vehicle, the driver, and the road. There are no simple remedies.

3. Traffic safety requires even safer cars, but even the safest car will not bring traffic safety without even safer drivers and safer roads.

4. No one has done enough in traffic safety. The council has for years expressed dissatisfaction with the feebleness of the totality of the national effort to cope with highway accidents.

5. Traffic safety requires an effective operating partnership between industry, the public, and government. No one of these groups alone can do the job. All of them together, each playing its full role within a comprehensive, balanced program can reduce the present traffic safety toll by half, and save 25,000 lives each year. An increased Federal role does not mean that any of the other partners should be permitted to slough off their respective responsibilities for the highest possible voluntary level of effort which it is practicably capable of producing.

We understand that this committee's jurisdiction is limited to titles I and II of H.R. 13228, and that title III of H.R. 13228 (the remainder of the President's proposals) falls within the purview of the Committee on Public Works. But the traffic safety problem is a unified one and cannot be solved without a unified and comprehensive approach.

Therefore, Mr. Chairman, while I shall discuss titles I and II of H.R. 13228, I should like to urge that you put these titles into the context of the full range of congressional and executive action needed.

As an indication of our concept of such a comprehensive traffic safety program, we submit for the committee's attention the 18-point program we provided the Senate Subcommittee on Executive Reorganization on February 2, 1966. (The material submitted will be found in the committee files.) The key to this balanced program is in the action program for highway safety which was developed by national professional and official safety associations as a soundly conceived and available guide to the nature and scope of a comprehensive program.

The action program was ratified by the White House Conference on Highway Safety in 1946, as a master plan for highway safety. It has been updated twice since then, in 1949 and 1960, and two major sections were added since 1960.

It has been approved by the President's Committee for Traffic Safety, the Governors' conference, the National League of Cities, the Secretary of Health, Education, and Welfare, and the U.S. Bureau of Public Roads. The NSC is a strong supporter and advocate of the action program.

A great deal of time and many lives could be saved if the action program recommendations concerning all aspects of safety were used

as a broadly agreed upon point of departure to consider how mutual objectives could be more rapidly attained.

TITLE I, H.R. 13228

Title I provides for a two-step process of achieving motor vehicle safety standards. First, it encourages development of non-Federal and voluntary motor vehicle safety standards. If such standards exist or come into timely effect, and they are adequate and effectively complied with, the congressional objective would be met.

Second, if, however, the non-Federal or voluntary standards are not adequate or not effectively complied with, then minimum Federal standards may be issued and shall be mandatory.

THE FUNDAMENTAL ISSUES

The fundamental safety issue is whether the maximum practicable degree of vehicle safety can best be attained by:

(a) Both legal minimum regulations and strong encouragement and reliance on voluntary high-performance standards, or

(b) Primary statutory reliance on legal minimum regulations.

The National Safety Council and the President's bill have recommended that the first of these alternatives be followed.

The National Safety Council continues to believe that the Federal Government has a responsibility to assure that there are adequate legal minimum safety regulations, either at the State or Federal level. This has presented an administrative issue as to the best type of Federal action:

(a) Should the Federal role be to aid and strengthen State action in establishing minimum legal standards for motor vehicles? or

(b) Should the Federal role be to establish direct Federal minimum legal standards for motor vehicles?

From the beginning the National Safety Council has stated that either of these levels of administration could be effective, and the council has presented recommendations as to how each of these courses can be made workable.

We have stated, in testifying on S. 3005, that the first of these two Federal roles was preferable because presumably it could be made to work promptly. The basic Federal and State machinery was already in place; that is, the Roberts Act, the Beamer resolution, and the Baldwin amendment.

However, we have not been encouraged by our interim experience with the existing mechanism and our assessment of the apparent disinclination of the Congress to strengthen it as we recommended.

Since our concern is to get on with the safety job, we therefore turn to our first and only alternative recommendation; that is, standby authority to establish Federal minimum legal standards coupled, as it is in the President's proposal, with strong built-in encouragement for voluntary industry high-performance standards, but subject to strengthening amendments, some of which we previously proposed to the Senate, and which we will submit here today.

NECESSITY OF VOLUNTARY INDUSTRY HIGH-PERFORMANCE STANDARDS

This is a very important point. The National Safety Council was conceived 53 years ago on the premise that industry was responsible for accident prevention and had social and economic reasons for doing the best practicable job.

And, on the record, this principle of enlightened leadership has been the source of safety improvements both in employee and product safety in many industries.

May I cite some examples:

1. The low occupational injury rates in this country are attributable to leading businesses which go far beyond legal regulations. In contrast, European businesses mostly comply with legal regulations and then stop. This European custom has produced higher injury rates.

2. The electrical equipment manufacturers voluntarily seek the seal of approval of the independent Underwriters Laboratories.

3. The farm equipment industry for 20 years has worked with organized agriculture to develop safety standards for its products and has voluntarily applied these standards for such aspects as: shielding power takeoff, lighting, functional controls, and so forth.

4. The petroleum industry has been a leader in developing and applying fire safety standards for the use of its products, and has subsequently supported legal regulations based on voluntary standards.

5. In the last few years, the Council and the Public Health Service have helped the power mower industry and architectural glass industry develop safety standards for their products, and the glass standard is now being worked into local building regulations as well as Federal housing regulations.

There are numerous other examples which are sufficient to show that our national progress in safety across the complex array of products we use has stemmed primarily from industry leadership. I am not saying that industry always shows leadership. For example, it took a Federal law to get child-safe refrigerator doors.

It is true that, in some categories of activities, the standards voluntarily developed by industry and public representatives through such groups as the American Standards Association and the National Fire Protection Association have later become the basis for State and local regulation in order to achieve universal application. However, in most such cases it must be emphasized that voluntary industry leadership on standards preceded the regulatory phase.

Now we face the need to assess the relative roles of industrial leadership versus regulatory prodding for the automobile manufacturing industry, and for the tire manufacturing industry as well.

The present question is, Is the automobile industry as willing as it is able to provide design improvements on a voluntary basis?

In the recent past the industry has voluntarily provided better seat anchorages, better door locks, improved windshields, better door handles, and with a little encouragement, even a collapsible steering column. Will they now be willing to voluntarily add such things as more crashworthy instrument panels, freedom from dangerous ornaments, improved padding in interiors, safer tires, and so forth, and so

forth? We think they will, especially with the "encouragement" of what someone on our staff termed the "loaded gun in the corner" approach of the President's bill.

As a matter of fact, the auto industry itself provides us with examples of progressively higher voluntary standards providing the basis for regulatory action in two areas of present Federal legislation:

1. Seat belts: The standard of the SAE was progressively raised because the individual company standards were largely more stringent than SAE at each stage of development. When Federal regulation moved to eliminate fly-by-night products, the regulation essentially was that of SAE, upgraded by industry action.

2. Brake fluids: The manufacturers followed the SAE standard they had developed. When Federal regulation was needed, again to control fly-by-night operations, the SAE standard was at hand as a readymade standard of reliability.

Our point is that voluntary industry high performance standards can yield safety more quickly than Federal minimum standards. The tire situation is a good example of what we mean. The hearings of the Federal Trade Commission and the Senate hearings on tire regulation have indicated the technical complexity of this subject and the need for additional research to develop adequate grading and standards.

However, it does not require a technical background to realize that the "heavy duty" tires now offered by the manufacturers as optional equipment on new cars are needed by those who plan to use heavily loaded cars in long distance, high speed travel. Such tires should be made standard equipment on new cars for the simple reason that practically every modern car can be assumed to be used in family vacation travel requiring the "heavy duty" equipment.

The present "original equipment" tires should be reserved as "light duty" options for those who are positive that their travel will be limited to light loads in essentially urban conditions. This safety improvement is as simple as a few automobile company presidents directing it without waiting for the necessarily more lengthy and involved process of establishing Federal minimum safety standards.

At this point of "the great debate" a goodly segment of the public, and perhaps of the Congress, appears to be persuaded that greater auto safety can and must come from Federal minimum regulation of design. Such regulations can do some good, but will be so far short of our proper goals as to be a "half loaf," if that much, and in some respects a setback for safety.

The recent testimony of representatives of the automobile manufacturers, who now support minimum regulations, was perhaps more eloquent in what it had to say about high performance standards and the inhibiting effect of regulations than was their similar testimony at a time when they were opposing minimum regulations. For example, the industry representative said:

The mere pendency of a vehicle performance standard proceeding could retard the progress of research and development.

The President's concept of legislation very wisely put primary emphasis on voluntary action, in the hope that voluntary action would be so exemplary and outstanding as to never warrant Federal mini-

imum standards. The President's proposal is one of the most imaginative and perceptive proposals in the history of regulation.

There are those who have been joined by the auto industry itself in urging mandatory action by the Secretary of Commerce. If this view prevails there will be no premium or gain from vigorous industry action in the next 2 years; rather, the premium would come from low standards which would hold down the federally required minimum standards to a so-called practicable level.

There are those who seem ready to begin our journey on the tired road of legal regulation of details, settling for such safety as can be haggled out of conflicting views. Do we want to settle for a system which encourages least common denominator safety? This will undoubtedly give us more safety than we have now, but less safety than we deserve to have and could get from industry leadership combined with Government supervision.

The Council continues to advocate the President's course because it gives the last clear chance to voluntary action and sets excellence as the standard to be sought. The regulatory route of minimum standards is slower than enlightened industry action (but of course is faster than no industry action). Regulation can only put a floor under performance; it usually does not produce high performance. Regulation can inhibit better methods, either by indirectly prohibiting them in regulations, or by killing the desire to excel.

We hope and trust that Congress will follow a course of wise pressure for the high goals of the action program coupled with a mandatory floor which writes into minimum regulations, the progressively higher standards which industrial leadership can attain.

THE VEHICLE

I would now like to read certain provisions of the action program in order to make unmistakably clear that there was no disagreement in 1960, the automobile industry included, on the general nature and importance of the desired improvements in vehicle design.

May I read from the action program:

20. The automotive industry should continue its efforts to improve all elements of vehicle design having a bearing on safety. The relative importance of proposed vehicle changes should be assessed to insure that the items of greatest potential benefit are kept under attention. Greater effort is needed in:

- a. Developing more rugged and effective equipment for defrosting and cleaning windshields and rear windows under severe weather conditions.
- b. Standardizing the placement of instruments and controls, and advancing their functional design.

- c. Implementing basic safety-design concepts, particularly those related to restraining devices, dissipation of impact energy, and the lessening of structural deformation in the passenger compartment.

- d. Conducting collision research to establish criteria for structural design and to determine the effect of the forces involved on both restrained and unrestrained occupants.

- e. Evaluating the safety aspects of various types of automatic controls.
- f. Determining causes of commercial vehicle fires and means for alleviating these through vehicle design and operating procedures.

21. Driver fatigue should be reduced and comfort improved by the functional design of passenger-car bodies and truck cabs to provide more adequate seating, by the reduction of truck-cab noise and vibration, and by the provision of more durable exhaust systems.

22. Research on vehicle handling should be intensified with respect to:
 - a. Provision of maximum maneuverability compatible with driver-reaction and vehicle-response times.
 - b. Improving traction on low friction surfaces.
 - c. Reducing vehicle response to road and aerodynamic disturbances.
23. Industry, highway-user groups, and the Government should intensify their research and development on brakes, to the end that:
 - a. The performance of truck brakes may more nearly approach that of passenger car brakes.
 - b. Practical anti-locking devices of special benefit on slippery surfaces may be developed.
 - c. Metering devices may be produced to keep braking forces proportional to the load carried on each axle, whether the vehicle is loaded or unloaded.
 - d. In the event of partial brake failure on single unit vehicles, brakes may still operate on one axle.
 - e. Adequate braking or retarding capacity may be available for the descent of long grades and for stopping from high speeds.
24. Industry and public officials should cooperate in working out vehicle-performance requirements that will insure for commercial vehicles the proper relationship between design capacities of vehicle components and the gross loads as operated.

There are many other elaborations and details of these basic points in the original text of the vehicle engineering section of the action program for highway safety, but the summary suffices to state an agreed-upon view.

I do not rule out that in 1966 we could improve on this 1960 statement. But I do emphasize that a great deal of apparent difference of opinion could have been eliminated if this statement had been used as a point of departure a year ago.

Please note that these action program recommendations are directed largely to the automotive industry in connection with its obligation for the safety of the products which it sells to the public. The consensus grows that the auto industry failed to make a fully satisfactory record of progress in attaining goals mutually agreed upon in the 1960 revision of the action program.

The actual controversy is as to how these goals may be attained, rather than on their importance. The how is more important than the statistical evidence for this or that vehicle feature. Yet there has been much debate and controversy over the relative degree of "fault" of the automobile, the driver, the road, and other factors, in causing traffic accidents.

Unfortunately, research data are meager and do not give answers to this natural question. Most accidents, and/or the injuries resulting, should be assumed to result from multiple contributing factors, including in most cases the automobile, the highway, and the driver.

However, present-day methods of reporting accidents at the source are not sufficiently refined to be able to separate these various factors in mass statistics. Exhaustive research into accident causes is urgently necessary.

For the committee's information, appendix No. 1 discusses the relationship between statistics and the determination of causes of accidents, and appendix No. 2 the relationship of vehicle factors to accident and injury causations.

Traffic safety requires safe cars, but safe cars alone will not yield traffic safety. We must have even safer cars than we now have—but we must also bear in mind that traffic safety also requires the measures

covered in title III of H.R. 13228, as well as other propositions stated in the action program for highway safety.

So far as motor vehicle design is concerned, the National Safety Council's policy was particularly well expressed on January 10, 1951, when Sidney J. Williams, then assistant to the president of the Council, said at the annual meeting of the Society of Automotive Engineers:

I have spoken of (auto) design chiefly because in my problem the engineering solution, if there is one, is always the best. It is the easiest, because machines are easier to understand than people—they are more tractable, they don't talk back. The engineering solution also is the cheapest because it is permanent, while education and enforcement must be kept up year after year.

ADMINISTRATION THROUGH THE STATES

As stated earlier, the council believes administration through the States is possible. But for reasons already indicated we now will confine our remarks to the alternative of Federal standards.

However, in case any member of this committee wants to examine the potentials and the problems inherent in the State route, we supply as an exhibit a copy of our testimony on S. 3005, referring particularly to pages 3 to 8, inclusive.

ADMINISTRATION AT THE FEDERAL LEVEL

As stated earlier, we have turned to our only alternative recommendation, standby authority to establish Federal minimum legal standards coupled, as it is in H.R. 13228, with strong built-in encouragement for voluntary industry high-performance standards.

As we have already stated, we propose certain amendments to strengthen title I. In doing so we wish it to be clearly understood that we concur in the philosophy of H.R. 13228 as stated by the Secretary of Commerce before this committee, as follows:

The authority to set preemptive national standards * * * would be a standby authority to be exercised at the discretion of the Secretary under statutory criteria.

The National Safety Council proposes amendments to title I, H.R. 13228, as follows:

1. Advisory Board: The NSC recommends establishment of a Vehicle Safety Advisory Board composed of representatives of the automobile industry, the insurance industry; consumers; commercial vehicle users; Federal, State, and local governments; voluntary safety organizations; the interested professions; university researchers; and the public at large. Board member should be appointed by the Secretary for fixed terms of office.

The Secretary should be required to consult the Board no less than 90 days prior to the issuance of any determination or order under section 102(a) of H.R. 13228, and provide it with a copy of the proposed determination or order, to enable the Board to submit its views thereon. Such views shall be published in connection with the Secretary's determination or order.

An Advisory Board brings to a Federal program the strength and skills of a representative group of the most knowledgeable people out-

side the Federal structure, and provides the Federal Administrator a two-way channel of communication. Such a Board can serve an especially useful purpose in this program which would be a new venture for the Federal Government. It would expedite the program's effectiveness by providing a means for developing a consensus in connection with Federal standards, without changing the Federal Government's ultimate authority to act.

2. Certification: The NSC recommends that for the period during which no applicable Federal motor vehicle standard is in effect under section 102 because the Secretary has determined that another motor vehicle safety standard meets the criteria listed in section 102 of H.R. 13228 (lines 1 to 11, page 4), that the certification procedure provided for in section 7 of H.R. 12458 (Mackay) should be applicable.

This requirement would strengthen the administration bill and still retain its basic structure where in the Federal standards are designed as standby authority. Nor will this suggestion place any substantial additional burden on the Department since section 102(a) (4) of H.R. 13228 would presumably require continuous checks on "effective compliance with respect to any existing motor vehicle safety standard."

Formal certification of such compliance, as proposed by section 7 of Mr. Mackay's bill, is a very short step indeed.

3. Economic impact: If Congress deems Federal standards should be authorized, the NSC believes that it should confirm the authority of the Secretary to consider economic impact as part of his judgment of practicability under section 101(b) and section 102(a). This is appropriate because measures which are clearly uneconomic can endanger public acceptance of the whole safety program.

4. Classification of motor vehicles: The NSC recommends that Congress should clarify the authority of the Secretary to classify vehicle types for the setting of standards, since title I relates to all motor vehicles and not merely passenger vehicles.

For example, if the GSA standards for passenger-carrying vehicles were applied to all motor vehicles of any kind, they would rule off the road sport roadsters and convertibles, some small cars and motorcycles. We doubt the American public is willing to give up these types of vehicles. Some standards for passenger cars will be inappropriate for trucks and buses, and vice versa. Proper classification of vehicles and variable requirements is an accepted part of the Uniform Vehicle Code.

5. Annual report: The NSC believes that the provisions of section 11(a) of H.R. 12548 (Mackay) requiring an annual report by the Secretary, is a vital instrumentality focusing national attention on traffic safety in a continuing fashion. Without this the Congress would be handicapped in its surveillance of the traffic accident problem.

Our proposal would relate not only to title I, but also to titles II and III, so that the Congress would annually have a comprehensive review of all aspects of traffic safety, relating each title to the others.

6. Higher State standards: Section 102(b) of H.R. 13228 prevents any State or local government from establishing a standard on an item to which a Federal standard is applicable under the bill except "for the exclusive purpose of its own procurement."

We believe this provision is unwise in denying States and local governments the right to establish such more rigorous requirements

for all their citizens and not merely for the State and local governments' own use. Where a State faces an especially difficult problem to which a Federal standard is not responsive, or altogether responsive, the State should be authorized to act by providing higher standards.

California's attempt to deal with automotive air pollution is a classic example of the need for authorizing States and localities to adopt standards more rigorous than those prescribed in the Federal standard.

7. Interim action in 2-year period: Section 102(a) prevents the Secretary from issuing any Federal standards prior to 2 years from enactment. There may be occasions when, upon special findings, the Secretary should be authorized to act earlier. For example, elimination of radiator and other ornaments which are hazardous to pedestrians. If an industry standard is not available, the Secretary should be authorized to act in 6 months or less if he is ready to do so.

TITLE II, H.R. 13228

This title authorizes Federal facilities to conduct research and testing. The Council endorses this proposal.

We desperately need more research information on traffic safety problems, and the research role is an especially fitting one for the Federal Government.

The size of the effort as projected in title II would appear to be in scale with the size of the problem. In fact, it appears to be the first time the Federal Government has projected a research expenditure appropriate to the size of the accident problem.

As we have repeatedly said before congressional committees, the amounts appropriated for Federal safety research should have the decimal point moved one or two places to the right.

Under the present form of title II, it would appear wise to amend section 202 to authorize the Secretary to use appropriated funds for the initial steps in site acquisition because decision on site or sites will be necessary parts of the final stages of planning.

COMPREHENSIVE PROGRAM

Having now addressed myself to titles I and II of H.R. 13228, I return to my original point that it is necessary to assess them and place them in the context of a comprehensive, balanced program.

For this purpose, I should like to make two major observations:

First, title III of H.R. 13228: The NSC supports title III of H.R. 13228 as being indispensable to a comprehensive and balanced program to cope with traffic accidents. However, we urge some amendments which will strengthen and improve title III's effectiveness.

Last week we presented our views to these ends on H.R. 13290 (which is, except in one respect, identical with title III of H.R. 13228) before the House Committee on Public Works.

For this committee's attention, I furnish a copy of that statement.

Second, additional 10-point program: The NSC recommends an additional 10-point program, each of which recommendations is explained more fully in appendix No. 3.

1. Action program for highway safety: The Congress should by joint resolution adopt recommendations embodied in the action program for highway safety as an interim, nonexclusive guide to national policy.

2. Congressional review of national policy.

3. Coordination among Federal agencies.

4. Increased Federal support for accident research.

5. Federal accident costs and prevention budgets.

6. Use of seat belts.

7. Federal driver improvement.

8. Federal off-the-job safety.

9. Drinking drivers.

10. Strengthening voluntary safety organizations.

In conclusion, Mr. Chairman, let me again say that the National Safety Council is gratified that traffic safety is now so high on the national action agenda. If Congress enacts an effective traffic safety bill—and we have indicated what the NSC believes such a bill would be—the Nation will be taking an enormous step forward toward coping with highway accidents.

With the President and Congress taking this initiative, and with industry, the American driving public, the voluntary safety community, and the States and local governments each being thus activated to do their utmost as part of a comprehensive action program, the NSC believes we can save 25,000 lives a year.

The appendixes, sir, are respectfully added to the statement.

(The documents referred to follow:)

APPENDIX No. 1

STATISTICS AND THE DETERMINATION OF ACCIDENT CAUSES

There is a widespread misconception as to the role and function of mass statistics on traffic accidents, and the relation of such statistics to the determination of the causes of accidents. Statistics do serve as valuable and helpful indicators or clues as to causative factors in the driver, the road or the vehicle, but, traditionally, they have not been the source of detailed data normally required in research. In other words the specific causes of accidents cannot be found in routine mass statistics. Present data do provide a great deal of helpful information on the nature and circumstances of the accident problem. Available facts tell a great deal about the places, people involved, and circumstances of accidents. They provide considerable information on the objective aspects of accident occurrence. But research is needed to capitalize on the values currently derived from data collection systems.

Perhaps a simple example will illustrate the point. One looks at a death certificate to ascertain that a person died of cancer, but not to learn *why* he had cancer. Likewise, one should look at accident statistics to find out *when, who, where, etc.*, but not *why* an accident happened. Just as the medical researcher must give the answer on "why" the cancer, so the accident researcher must find the cause of the accident. Statistics relate fundamentally to the *objective circumstances* of accidents. Investigation and research are required to determine *causes*.

APPENDIX No. 2

VEHICLE FACTORS AND ACCIDENT CAUSATION

As the Congress and others have considered the role of the vehicle in accidents, there has been some confusion as to how the meager data available relate to the several aspects. Here briefly are the vehicle factors as we would enumerate them:

A. Prevention of the accident:

1. Design features which ease the burden on the driver and make the vehicle easier to operate safely.
2. Design features which make the vehicle reliable and easier to maintain in safe condition.
3. Owner maintenance of vehicles in safe condition.

B. Minimizing injuries and damage (the "second collision"):

1. Installation of restraint devices.
2. Occupant use of restraint devices.
3. "Passenger packaging" to minimize or eliminate injuries.
4. Exterior design to minimize pedestrian injuries.
5. Design features which will minimize damage (recognizing that controlled deformation may be useful in dissipating energy).

Even the meager data now available from States on "vehicle defects," which relates largely to maintenance (Item A3), have been misconstrued as relating to defects in manufacture (Item A1). For example, the National Safety Council's report that 10 percent of turnpike accidents involved a tire defect was erroneously applied to the national fatality total, and used in a context which implied tires defective in design. In fact, the special reports available from turnpike authorities indicated most of the tires were old, bald tires susceptible to skidding or blowout.

Also, some engineers' estimates of the portion of fatalities preventable through crashworthy design have been erroneously applied to the national fatality total, which includes pedestrians and others. Statements of potential savings through design have rarely distinguished the need for restraints and *actual use* of restraints from other crashworthy features.

The National Safety Council estimated in 1958 that 5,000 lives could be saved by the use of seat belts. This was a very conservative claim, but one which we could support. Initially the problem was installation of belts and even the availability of convenient attachment points. Now, more and more the problem is becoming one of public education to assure the use of the belts which are available. We think that approximately 750 lives were saved last year by the belts in use, but another 750 could have been saved if all passenger car occupants had used the belts they were sitting on.

The National Safety Council believes that 5,000 or more lives could be saved, over and above the seat belt potential, if cars were fully crashworthy at speeds under 40 miles per hour, as has been stated to be possible by some scientists. Obviously crashworthy design must be a major goal.

The General Services Administration has worked from the rationale that injury reduction would be primarily predicated on occupants restrained by lap belts and/or shoulder harnesses. This is not to excuse and condone design features which unnecessarily injure passengers who are flying about the compartment at the time of an accident. But it should emphasize the fact that many important possibilities in crashworthiness are predicated on universal public acceptance of the habit of fastening the belt every time the car is moved.

We believe that this Committee could perform a great public service if its report on H.R. 13228 would include a careful analysis of these complicated and overlapping factors. For the Committee's information, we shall submit some information along this line if desired.

All concerned need realistic expectations of what can be accomplished by vehicle design under Title I, so that the need for measures in Title II and Title III and other needed actions will not lack official and public acceptance and support.

ADDITIONAL RECOMMENDATIONS ON FEDERAL PROGRAMS

Having now discussed the specific items of H.R. 13228, we return to the original point that it is necessary to assess them in the context of a comprehensive, balanced program. For this purpose, therefore, we make the following recommendations:

1. Action Program for Highway Safety

The Congress should by Joint Resolution adopt recommendations embodied in the Action Program for Highway Safety as an interim, non-exclusive guide to national policy.—The Action Program for Highway Safety is a master plan, a blueprint for action covering major phases of a balanced approach to the disciplines, the sciences and other administrative realities that are indispensable to the safe operation of the nation's multi-billion dollar motor transport system.

The Action Program provides every level of government having traffic safety responsibilities with the best of many years of thought, experience and research findings in traffic management. This comprehensive program was developed by representatives of the associations of State and local officials, and the professional and technical societies, as well as Federal officials, and was ratified by the 1946 White House Conference on Highway Safety. As a result of experience and research, the Action Program has been updated twice since, in 1949 and 1960. Two major sections have been added since 1960. Its recommendations were affirmed and further developed in a 1956 Governors' Conference report and in the 1957 Report of the House Special Subcommittee on Traffic Safety. It has been approved by the Governors, the National League of Cities, and by the Secretary of Health, Education and Welfare and by the Bureau of Public Roads.

The Action Program, as approved by the President's Committee for Traffic Safety and the President's Highway Safety Conferences, identifies eleven specific functions involved in traffic safety and management, and provides findings and recommendations for action on each, as follows:

- a. Laws and Ordinances.
- b. Traffic Accident Records.
- c. Education.
- d. Engineering
 - (1) Highway
 - (2) Vehicles.
- e. Motor Vehicle Administration
 - (1) Driver Licensing and
 - (2) Motor Vehicle Inspection.
- f. Police Traffic Supervision.
- g. Traffic Courts.
- h. Public Information.
- i. Research.
- j. Health, Medical Care and the Transportation of the Injured.
- k. Organized Citizen Support.

We urge that the Secretary of Commerce (or Transportation, as the case may be) be directed to report to the Congress annually on an up-dated Action Program, also developed by consensus methods.

We have here for Committee files the latest summary of recommendations of the Action Program, just off the press, which incorporates the two new sections added since 1960.

2. Congressional review of national policy

The Congress should establish a means of coordinated consideration of the highway traffic safety problem for the purpose of continuous review of national policy on traffic safety.—The title of H.R. 13228 reads "to provide for a coordinated national safety program," and one of its aims is a coordinated Federal program. Still, may we respectfully observe, there is no coordinated Congressional consideration of the problem.

The importance of appropriate Congressional coordination is obvious. The safety program includes many dynamic forces which, if they are to be effectively related to a national policy, will require periodic assessment and evaluation. This is a role for Congress. The National Safety Council has been one of the few institutions that have served as host and catalyzer for a continuing dialogue among government, industry, and voluntary safety organizations—all of them—on all aspects of traffic safety. We welcome the promise of continuing Congressional interest in activating and bringing public focus to the traffic safety problem as an exceedingly important omen for intensification of this vital dialogue which has led to so many important safety improvements and will lead to many more.

3. Coordination among Federal Agencies

The President should vest in the Executive Office the responsibility for non-preemptive coordination of Federal traffic safety activities.—Because of the diversity of Federal roles in traffic safety it is not immediately apparent that they could all be coordinated or performed better by a single Federal agency. Indeed, it appears that some types of research and activity would be better fostered by an organization with an engineering orientation, such as the Bureau of Public Roads, and that other types of research and activity would be better fostered by an organization with a medical and health orientation, such as the U.S. Public Health Service. A single agency would create the strong possibility that one or

the other of these necessary and valuable viewpoints would be subordinated and submerged.

This is not to say that there is no advantage in improving the organizational status of traffic and safety in Commerce or with the proposed Transportation Department. There are advantages. However, a more necessary solution is effective over-all coordination of Federal traffic safety activities, a laudable goal which the National Safety Council has long espoused. Experience in government administration has long since identified the unruly nature of inter-agency resistance to coordination. The reasons are understandable and easily identified in the issue in question. Traffic safety responsibilities are widely dispersed among State and local officials and legislative bodies, motor vehicle and other manufacturers, and highway users. In our judgment, Federal activities can best be coordinated by non-preemptory association with the well-established voluntary coordinating devices required and used by the traffic safety movement as a whole. These include the National Safety Council's structure, the work of the President's Committee and the Highway Research Board. (103 Federal officers or employees are presently actively involved in the Council's structure.)

Therefore, the National Safety Council recommends that the Executive Office of the President perform the executive's coordinating role unencumbered by operating responsibilities.

Since the administration of any national policy is an executive responsibility, the Executive Office should have responsibility for general oversight of the national traffic safety policy. The President should be required to submit to the Congress an annual report with such views and recommendations as he may care to express on the progress of traffic safety in the United States.

4. Increased Federal support for accident research

The Congress should increase its financial support for intensified programs, both governmental and non-governmental, covering all aspects of safety research, and should establish a properly-oriented accident research facility or center in the U.S. Public Health Service.—The present emphasis on traffic safety should not be permitted to obscure the need for research on other types of accidents. Consequently, appropriate funding should be provided to the U.S. Public Health Service, the Departments of Labor, Agriculture, Interior and such other agencies as have safety responsibilities.

As our statement indicates, we believe that the Department of Commerce research facility proposed by Title II, H.R. 13228 does not eliminate the need for a U.S. Public Health Service facility with a scope broader than traffic accidents. Such a Public Health Service facility should include the "medical, behavioral and clinical aspects of traffic accidents."

The Congress should authorize the planning and construction of an accident prevention research facility in the U.S. Public Health Service.

In 1960 the Council's representative on the U.S. Public Health Service Accident Prevention Advisory Committee participated in drafting and approving a resolution calling for a research facility administered by the Division of Accident Prevention. This recommendation has been reaffirmed by the Advisory Committee, and has been supported by the Council in testimony before various Congressional Committees. However, in six years practically nothing has been accomplished in fulfilling this need.

Funds for planning this important research facility should be authorized now. Procrastination postpones the dates on which new and better information can become available to reduce accidents and injuries. The humane and economic losses meanwhile continue.

The Advisory Committee was given information indicating that approximately \$600,000 was required for the development of facility plans and initial steps in site acquisition. Unless the sum is included in the budget for 1966-67, the date on which important findings will be put into practice recedes farther into the future. It is inconceivable that our present plans shall, in effect, condemn the coming generation to sudden death, but that is precisely what we shall do if we delay by another year an action which is inevitable. The National Safety Council does not believe that the President, the Congress, or the American public want to step up traffic safety research, without caring whether children are killed by poisons, or burns, or other causes.

5. Federal accident costs and prevention budgets

The Bureau of the Budget should study the present level of all accident costs and the present and desired level of all manner of safety expenditures throughout

the Federal establishment.—The Federal Government is paying a large bill for accidents. Because of the nature of the budget process some of these are not identifiable as accident costs, or are not related back to the agency which can control costs. Although the Federal Government has taken leadership in some aspects of safety in some agencies, there are some kinds of accidents and some agencies which are lagging. In this study the scope should be as broad as all accidents and fires, because the causes of traffic accidents and other accidents are very often similar.

6. Use of seat belts

By administrative regulation Federal employees should be required to use the seat belts provided in Federal vehicles.—This, again, will give leadership to the public, since non-use is a big problem. At the same time it will ensure that the Federal Government gets economic benefits from its investment in safety equipment.

7. Federal driver improvement

The Federal Government should provide a driver improvement course to all military and civilian personnel who operate motor vehicles.

8. Federal off-the-job safety

The Congress should authorize the expenditure of Federal funds to promote off-the-job safety of Federal employees.—Industry has taken the lead in promotion of off-the-job safety. In particular, many businesses are providing Driver Improvement Courses for all employees who drive regardless of whether or not they operate company vehicles. The President has directed the Federal agencies to institute off-the-job safety programs. However, the nature of the subject matters is such that there is a natural question as to whether Federal funds can be used to promote off-the-job safety and family safety for Federal employees.

9. Drinking drivers

The Congress should appropriate funds to the U.S. Public Health Service for participation in the education program to cope with the problem of the drinking driver, a program jointly sponsored with the National Safety Council and the American Medical Association.—The Public Health Service should also be directed to study the problem of necessary educational measures and to report its findings to the Congress.

Progress in controlling or protecting drinking drivers and pedestrians is a vital part of any program to reduce fatalities, since these groups are involved in one-half or more of our fatal accidents.

The planned public information program was described in more detail in our 18-point statement supplied to the Ribicoff Committee.

10. Strengthening voluntary safety organizations

The private sector of the American economy must substantially increase its financial sponsorship of voluntary safety organizations to meet the immediate and long-range needs for more public support of, and better technical service to, approved traffic safety programs.—There is a network of National, State, regional and local voluntary safety organizations whose main function has been public education and the development of public support for sound accident prevention programs. An effective national policy on traffic safety cannot be implemented without a viable and aggressive voluntary safety movement. Politically neutral cores of citizens, whose sole objective is to enlist their fellow citizens in causes aimed at reducing traffic and other accidents, are a vital necessity in giving to the legislator at all levels the support he needs.

Volunteer safety organizations—whether local, State or National—can be the Congress' best ally in passing and gaining endorsement for sound Federal safety legislation.

The National Safety Council and its associated organizations throughout the land are representative of the entire spectrum of our society—industry, education, religious leaders, women, labor, and civic organizations. The voluntary safety movement has in the past and will in the future provide the meeting ground for private and public bodies in all matters of safety.

Unlike the safety organizations of many foreign countries, U.S. organizations turn to the private sector of the American economy for principal support. This support has come in increasing amounts but frankly not sufficiently to enable

the movement to fulfill its role. The Report of the President's Committee for Traffic Safety of last November showed a national deficit of around ten million dollars annually in support for voluntary safety organizations. It is important to the Congress, the President and State and local officials that private groups step up support if the nation is to be assured of an effective voluntary safety movement prepared to perform its unique and indispensable functions of public education and public support in the national safety program.

Accordingly, our recommendation on this point is merely that the Federal Government continue to show its confidence in the voluntary safety community by participating in its work and by regular consultation. With Government setting the example, we can move forward in seeking the best solutions to the traffic problem.

The National Safety Council will not cease its constant urging for action by everyone—the Congress; the Federal, State and local governments; the voluntary safety movement; the private sector of the economy; industry; and the American people as a whole.

We are not satisfied, because just so long as there is a single avoidable accident, or one avoidable death, we have failed in our obligations to the American people.

The National Safety Council believes that its recommendations will contribute substantially to the saving of lives, materially reduce the number of injuries, and avoid the waste of billions of dollars of property damage now resulting from traffic accidents. We pledge the full resources of the Council to the development of, and obtaining public support for, the very best possible program to reduce highway accidents in the United States.

The CHAIRMAN. Governor, we want to thank you for coming and giving us the benefit of your views and that of your organization.

I think you have been very clear and very precise in what you believe and have set forth your recommendations so the whole committee can understand them. I know they will be of great value to this committee when we start marking up this bill.

I believe as you do that it is a package bill that must take into consideration all sides of the problem. Again I say thank you.

Mr. Friedel?

Mr. FRIEDEL. I want to thank the Governor for a very fine statement.

About 10 years ago when you appeared before this committee, we found you were doing a good job but you did not have enough statistics to make any particular recommendations. That is one of the difficulties today.

Years ago, in going through the automobile plants, most of the committee felt that 85 to 90 percent of the accidents were caused by the human element, such as drunken driving, going through stoplights, inadequate enforcement procedures, and so forth.

I do not mean to say that the automobiles are unsafe, but I do mean that the automobile industry then had a lot of safety devices that were optional equipment.

Last year we passed a bill that required all Federal automobiles to meet minimum safety standards. Some of the companies had 5 or 11 or 7 or so of these items, but now they have all of them.

I think it is a good thing to have standards, but we should not suppress any new innovations that the companies may be working on.

I think we should have minimum standards because they have been a little lax in making these safety items standard equipment.

I want to make it clear that the automobile is not unsafe. Right now I think maybe 10 or 15 percent of accidents would be the car's fault and 80 or 86 percent of the accidents could be attributed to the

drivers. We have to stop people from going through stoplights and driving at excessive speeds.

We have enough laws on the books today. If the people would abide by them and change their attitude, I think we could prevent more than half of the accidents and deaths on the highways.

I want to thank you very much for your statement today. I believe that these points should be stressed not only relating to the automobiles but also to the highways and enforcement, and driver education. I believe we will have a good bill which will be beneficial to all people as well as the industry.

Mr. PYLE. Mr. Chairman, could I respond briefly?

The impression has been left here or there that Congress has been woefully derelict, that it had done practically nothing in fact.

A few years ago when this committee, with the help of Congressman Roberts, Mr. Friedel, Mr. Rogers of Texas, and Mr. Rogers of Florida, were very active in the development of what we later regarded as a GSA prodding to get a maximum job done, I think they were already able to do this but somehow they didn't have the feeling that the Congress wanted them to press this case. We were delighted to support that legislation. There were those who opposed it.

We took the view at the outset of these hearings that the Beamer resolution, the Baldwin amendment and the Roberts Act, if fully and effectively supported, could really do the job that we believe the Congress wants done and certainly we want done.

We were delighted that our Mr. Johnson was able to actually make certain recommendations to Congressman Roberts and the members of the committee that I think were very effective in reaching the solutions which you finally offered in the Roberts Act. We supported it strongly.

We have not abandoned our feeling that fully and effectively operated the points to which I have made reference could be very effective. We congratulate the Congress for its leadership then and we are stimulated by today's dialog. We are delighted to be part of this great undertaking.

Mr. FRIEDEL. Thank you.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

I was very happy to have that last comment of yours, Mr. Pyle, because at the outset of these hearings I made the statement that some people get the idea that all of a sudden people have discovered that there are accidents on the highway and that the States, your organization and the rest of the voluntary organizations, and the Federal Government, have done nothing about this over a period of years. All of a sudden they have discovered something which is so erroneous as to be rather laughable.

Governor, have you had any experience at all in your organization with regard to the ICC safety rules for the common carriers? I am referring to the trucks at this point.

Mr. PYLE. Yes, we have worked with them. We have the feeling that, consistent with the amount of staff that they have and the capacity of their in-place capability, they have done a good job. We have enjoyed working with them.

I would have to say, and I think Mr. Johnson, our general manager, would concur, that this has been an effective device up to now.

Whether it continues to be what you want in terms of the future is with you.

Would you like to comment on that?

Mr. JOHNSON. We have had a fine working relationship with the ICC. We supported, in the Congress, increased appropriations for their inspection staff, which is still woefully small for the responsibility they have.

The ICC has not had appropriations for research on vehicle safety in the matter of trucks or buses as are contemplated under H.R. 13228.

As this moves along in terms of the Secretary of Commerce's research responsibility, I think it is altogether likely that standards will be evolved for ICC-regulated vehicles which will probably be higher than the present standards.

However, for the time being, it would certainly not be wise to junk the ICC standards, because they have been responsible for bringing some degree of vehicle safety to the over-the-road truck, particularly.

Mr. YOUNGER. I am glad to get that into the record.

Mr. PYLE. Could I add one thought to that? The one weakness in this setup is the fact that the ICC covers only about 2 million out of 15 million trucks on the road. This is a definite weakness. They are doing as well as they have been authorized to do, but that is as far as they are able to go.

Mr. YOUNGER. I am glad to get that into the record because we have had testimony that the ICC safety program was not of any value at all.

Mr. PYLE. As far as it goes, it is fine, but it doesn't go far enough.

Mr. YOUNGER. On page 10 of your testimony, on the interim action in the 2-year period, you end up by saying the LS Secretary should be authorized to act in 6 months or less if he is ready to do so.

Do you contemplate giving him authority to act without consultation with the Advisory Board that you recommend be set up?

Mr. PYLE. We assume the Advisory Board would be set up almost immediately. We had no thought of there being any great delay in setting this instrument up. No, we wouldn't advise that there be any action.

Mr. YOUNGER. If you are going to do that, shouldn't we insist that any action taken must be upon the recommendation or concurrence with the Advisory Board?

Mr. PYLE. That is an excellent point.

Mr. YOUNGER. And not just whenever he is ready to do so.

Mr. PYLE. The spirit of this recommendation is simply that we not freeze this thing until a date certain because it loses some opportunities to be useful.

Mr. YOUNGER. On page 11, you mention about Federal driver improvement. Do you contemplate that the licensing of drivers be taken out of the hands of the State organizations and be vested in the Federal Government?

Mr. JOHNSON. That refers, sir, in the appendix, to driver improvement courses for the Government's own drivers. Several of the agencies are already acting on this. The driver improvement program should be extended to all operators of Federal vehicles.

Mr. ROSENFELD. Mr. Younger, the specific answer to your question is "No," there is no intention to remove driver licensing from State control.

Mr. YOUNGER. That is what I wanted to make sure of. This program would surely fail if we are going to take that out of the hands of the States, the driver licensing and inspection of old cars and so forth.

Mr. PYLE. We merely would like to see the Federal Establishment encourage the entire employee community to sharpen up the old skills and develop new ones by the approaches that are available in driver improvement programs.

This is a good place to begin, with a mass-type of driver improvement.

Mr. YOUNGER. Thank you, Governor.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Kornegay?

Mr. KORNEGAY. No questions at this time.

The CHAIRMAN. Mr. Devine?

Mr. DEVINE. Thank you, Mr. Chairman.

Governor, I do not believe in your statement you touched on the position of your organization as it relates to the financing of this program.

In studying the bill, I find that all of the money, which adds up to about a half-billion dollars by the time we are through, is to come from the highway trust fund. It seems to me that the highway trust fund was created for a specific purpose and did not include this particular area.

Has your organization made a study of this or do they have any thinking about whether this might more properly come from the general fund?

Mr. PYLE. We have supplied the Senate Commerce Committee with a position on that.

If you like, we would be glad to make it a part of this record.

Mr. DEVINE. Could you submit that for the record?

Mr. PYLE. Yes.

Mr. DEVINE. Would you briefly tell us what your position is?

Mr. PYLE. Our position essentially is that the proposal as contained in the President's bill appealed to us very strongly. We actually feel that every effort should be made to avoid crippling the trust fund. If we get into this activity on the scale that we believe is necessary, we think you are going to have to have money out of the general fund.

Mr. DEVINE. This would, would you not agree, constitute a raid on the trust fund which at this time is short of those goals already set as far as completion of the Interstate System is concerned?

Mr. PYLE. I think it is envisioned that a special fund would be set aside for this which would not inhibit the basic trust fund.

(The information requested follows:)

MARCH 29, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: At the hearing Tuesday, March 29, 1966, on S. 3005, the Traffic Safety Act of 1966, Senator Hartke asked that the National Safety Council give its views on the method of financing the \$700 million expenditure authorized by S. 3005. The funds required to finance S. 3005 will have to be met out of taxes and the NSC believes that the American people are willing to meet the necessary costs of a reasonable traffic safety program.

Senator Hartke specifically asked whether these costs should be borne out of the Highway Trust Fund or from general revenues. On this very question, the Secretary of Commerce testified before your Committee on March 16, 1966, as follows:

"In conclusion, it should be noted that the estimated \$700 million expenditure contemplated by S. 3005 would be financed through the Highway Trust Fund. It is the Administration's position, however, that this expenditure should in no way encroach on the currently dedicated highway user revenues devoted to the Federal-aid highway program. Financing of the expenditures proposed in S. 3005, as well as financing of expenditures of the Highway Beautification Act of 1965, would be financed insofar as possible by the application of one percentage point of the present automotive excise tax to the Highway Trust Fund. If and when this tax should prove insufficient, additional funds as needed would be appropriated from the general fund to the Highway Trust Fund to finance expenditures under S. 3005 and the Highway Beautification Act of 1965."

We concur in the Administration's proposal for financing S. 3005. However, as I testified, I believe that Congress should give safety a priority over beautification in the event of any deficiency.

In this connection, I also testified that the authorizations in S. 3005 are inadequate and that "the Federal Government should assume its proper responsibility, with all levels of Government and the private sector, in meeting the additional \$1 billion needed annually to effectuate the Action Program." These additional financial requirements should, in our judgment, be financed in the manner suggested by the Administration for S. 3005.

Sincerely,

HOWARD PYLE,
President, National Safety Council.

Mr. KORNEGAY (presiding). Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Pyle, the National Safety Council is perhaps best known for its reporting of hour-by-hour traffic fatality figures on holiday weekends. I used to be quite grateful to the Council because I was in television and radio reporting, and the news on holidays would come a little slower from other sources, as you would not have any Government offices open. About the only thing you had was the hour-by-hour dramatic report by the Safety Council.

I always had the suspicion that I was perpetrating a fraud, however. Would you not agree that the holiday toll is perhaps less than on normal weekends?

Mr. PYLE. No, unfortunately, I cannot agree with that. Study in depth of holidays over the years reveals about 9 percent more traffic and about 25 percent more involvement in terms of accidents. This certainly disposes of the rather popular idea that somehow or other the holiday weekends are no worse than any other weekend.

Mr. VAN DEERLIN. I would not call this a popular idea. I have seldom heard the matter challenged.

Mr. PYLE. It has been, frequently.

Mr. VAN DEERLIN. If you accept the rough total of 49,000 deaths for 1965 and divide that by 365, you find that day in and day out, Monday through Monday, we have about 134 deaths a day. So if you start counting at 6 p.m. Friday and stop counting at 6 o'clock on any Tuesday morning, assuming that there is a lot more traffic out on the weekends, would you not have more than 500 deaths on any given weekend?

Mr. PYLE. No, not necessarily.

Mr. VAN DEERLIN. How do we get these astounding totals, then?

Mr. PYLE. Let me go back to the beginning of this activity, how we got into it in the first place, and I will lead up to this point.

Mr. VAN DEERLIN. I assume it was not just to help radio editors on dull days.

Mr. PYLE. On the contrary, sir. We were asked a number of years ago if we would coordinate these facts. Up to that time, the media community was using a variety of figures and they felt very strongly that somebody ought to be able to coordinate this information. They asked us if we would do this. As a public service organization we felt some obligation to comply since we did have facilities for doing it. So we got into it in a service fashion.

On several occasions in recent years we have sat down with the media to see if we could not set this whole procedure aside. We have some reservations about the use it serves. They have consistently said to us, "It doesn't make any difference to us at this point whether you propose to continue it or not. We propose to continue to use the story. If you think it serves a good purpose for you to service it and by making use of the opportunity to expand on the things that the public can do during these holidays to avoid the kind of damage that you have, we would be very, very happy to use your stuff continuously."

The stories that we output from our shop always carry with them the positive things that can be done to change this picture. The unfortunate thing, you know, is that about the time the second lead is written, all of this is lost and you have only the estimate.

Mr. Johnson has some figures to give you in connection with your question.

Mr. JOHNSON. Relating to the calculation you made by dividing the annual death total, the figures collected by the press associations over the holidays obviously include only the direct and immediate deaths, that is, the deaths during the weekend from accidents during the weekend.

There are subsequent fatalities extending days and months afterward which are finally revealed in the motor vehicle statistics and vital statistics. For example, on the Christmas holiday of 1964, a 3-day holiday, the press associations found 596 immediate deaths during that weekend from accidents that weekend. The vital statistics estimate of the ultimate death toll from that weekend was 800, which, you see, would be well above that.

Mr. VAN DEERLIN. Those people died later?

Mr. JOHNSON. That is right, sir.

The 800 figure would be far in excess of the figure you got by dividing the annual toll by 365 days.

Mr. VAN DEERLIN. There is another aspect of the question which came up in the earlier stages of this hearing. That is whether the scare technique is helpful or injurious in helping make people more cautious drivers. I have no hard-and-fast views on that. Perhaps you do.

Mr. PYLE. It is our growing conviction on the strength of our communication studies, which are in considerable depth in recent years, that the scare technique has minimal advantages to us. We are trying by every means at our command to reduce it to the irreducible.

There will always be persons in the immediate field who will use it and persons in other fields who have some very strong convictions about it. We certainly can't eliminate the use of this technique

entirely. But in our material we are trying to put everything on the positive side, because we believe that this is imperative to the success we seek.

Mr. VAN DEERLIN. I certainly have nothing but praise for the work of the council.

Thank you, Mr. Van Deerlin.

Mr. KORNEGAY. Mr. Nelsen?

Mr. NELSEN. I wish to thank the Governor for his statement.

There is one point that I would like to emphasize which was brought to the attention of the committee before. That is the fact that better marking on the highways has sort of been lost in the shuffle, and great attention has been given to vehicle construction.

I would once more call attention to the fact that, for example, on the primary roads, where we have quite adequate marking which is intended for the safety of the driver, the accident ratio is 90.4 per 100 million miles of travel.

On the secondary roads the accident ratio is 164.8 per 100 million miles, or a ratio of 2 to 1.

The point that I think might be discussed is the need of some concern about some of the Federal dollars that are being spent on highway construction. Maybe we need to direct a little of those dollars to better marking, while on the second road system, largely under State and county, we have no direct way to reach them.

But through the States, with the gasoline tax distribution, there could be some incentive dollars flowing in there for better marking.

Have you any comment on that, Governor?

Mr. PYLE. Yes, the Public Works Committee in the House has asked us for additional language. I would like Mr. Johnson to comment on it, because we have just prepared this language. I am sure he can give you the exact language.

Mr. JOHNSON. The Public Works Committee wanted to have more specific programs enumerated in section 402(a) of what is here title III, and we are supplying some suggested language.

Among the additional items covered is this matter of uniform signs and signals. We have also made recommendations to the Secretary of Commerce under the present Baldwin amendment that this uniform signs and signals matter be covered.

By the same token, in this amendment to 402(a) we are suggesting that the bill require State standards for city and county programs. This would lead first of all to evaluation of those programs and a more direct involvement of State-financed county road improvement.

Again, in what we have recommended to the Secretary of Commerce under the present Baldwin amendment, we have covered the point of the secondary roads.

When we were before the Senate Public Works Committee, we called the attention of that committee to the fact that even if all of the things contemplated by the pending legislation are done, unless the cities and counties receive additional assistance, either from the State or Federal level, in maintaining an efficient street network, we will be disappointed with the results that come out of the pending legislation, because the tremendous mileage of secondary roads must be upgraded, and the tremendous mileage of city streets must also be.

In such a thing as changing over to one-way operations you have substantial expenses for signing and signaling. The city associations and county associations tell us that unless there is assistance from the State or Federal level, they will not be able to handle traffic in the 10 year ahead.

Mr. PYLE. This is one of the reasons, Mr. Nelsen, that we felt so strongly about the fact that the funds anticipated thus far under title III are woefully inadequate to the task. Title III offers a wonderful opportunity to expand on this. It is strictly within the judgment of the Congress to go as far as they feel they can afford to go.

Mr. NELSEN. Thank you very much.

Mr. KORNEGAY. Mr. Satterfield?

Mr. SATTERFIELD. Thank you, Mr. Chairman.

I have just one observation.

I fully agree with the objective that you set forth in the beginning of your statement, that minimum standards ought not be enough.

However, looking at this bill the way it is drawn, the authority that is going to be vested in the Secretary to lay down these standards causes me to be not so optimistic as you apparently are, that once standards are begun to be laid down by the Secretary they will thence be minimal.

As I read this bill, he will have an opportunity to state what kind of design can be employed or cannot. I can't conceive that a manufacturer would employ new innovations without first trying to establish whether or not it falls within the standard that would be laid down by the Secretary.

The result, it seems to me, would be that ultimately the Secretary is going to be dictating exactly how these cars are to be manufactured and what is to be contained in them.

Mr. PYLE. Mr. Satterfield, one of the ringing statements that has come out of this series of hearings has established one fact abundantly, and that is that the industry has the message. We couldn't be more confident of their capability.

I raise the question of will they? and we believe they will. Of all the capabilities to exercise the best possible judgment that exists in the world, they have it in their know-how.

We have provided in our recommendations a reporting arrangement back to the Congress which can move at will at any point in time, if you think that this matter is not being handled as you think it ought to be, or in the spirit in which you originally intended it should be.

Mr. JOHNSON. May I point out, sir, that with reference to the GSA legislation, the General Services Administration had the authority to set standards before the Roberts Act was passed. They could simply specify that they wanted those things in the cars they bought. But they didn't do it. I think the reasons are various and we probably don't have to go into them. Once the intention of the Congress was expressed, that there be higher standards for Federal vehicles than would prevail for the general run of vehicles, you got action.

I think you have expressed your intention and can express it very well in this bill, and I believe the word will be heard. I think you will get the same type of action as you did out of GSA.

Mr. SATTERFIELD. I agree with these statements. I think the automobile industry is capable of doing the job. Frankly, I think they have been made the whipping boy for a whole lot of things that exist which contribute to traffic safety.

Mr. PYLE. One of the reasons that we would like Congress to provide a little time to see what they will do for themselves is that once this situation shapes up so that you get a really good perspective of it, we think you will be amazed at what will take place.

Mr. SATTERFIELD. If this be true, what is your opinion with respect to confining the standards that can be laid down by the Secretary with respect to load factors, pressure factors, and this type of thing, rather than to design characteristics?

Mr. JOHNSON. Certainly the Secretary will want to establish performance standards. In all the history of regulation you have this continual question or even conflict as to whether a regulatory body sets specific specification standards or performance standards. The Council as a matter of policy urges performance standards wherever it is possible to do the job with broad performance standards which leave plenty of room for innovation. There are nine ways to skin a cat.

Mr. PYLE. It is inevitable that by the nature of the terminology, itself, minimum standards, if you are not very lucky, will wind up with exactly that.

Mr. SATTERFIELD. What you are really talking about, as I understand it, is performance standards and not design standards.

Mr. PYLE. That is right.

Mr. SATTERFIELD. Thank you.

Mr. KORNEGAY. Mr. Cunningham?

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

Governor, I want to compliment you on your statement. I am convinced that there is no organization in this country that knows more about this problem than the National Safety Council. Certainly there is no agency in the Government that has the knowledge and the background that you have.

The other day the President had us to the White House when his assistants announced this bill, and I got up to ask whether anybody who had anything to do with it had any professional knowledge in this field, and they said, "No." I think that is why the bill we have before us is so poorly drawn.

I certainly hope that this committee will take your remarks and read your statements carefully and incorporate the things you have recommended.

For the record, how long ago was the National Safety Council established?

Mr. PYLE. 1913. The beginning of what later became the Council was established in 1913.

Mr. CUNNINGHAM. And you have been working long and hard on this problem ever since.

Mr. PYLE. We concentrated very heavily on it in the last 20 to 25 years. Prior to that time, the Council was essentially industrially oriented, but we now have a full-scale program in traffic, home, and public safety, and the industrial accident. By virtue of the types of service we have been able to join in cooperatively, the occupational toll

has been hammered down to the point where it is only 14 percent of the national problem.

So naturally, at this point in time we are concentrating more and more of our budget and more and more of our time, and have been for many years, on the traffic problem because it is about 45 percent of the national problem.

Mr. CUNNINGHAM. Mr. Younger, I believe, said you have been laboring in this field for all these years, and all of a sudden somebody who seeks publicity writes a book and hits the headlines as if nothing has been done. I think that type of person seeking publicity has set the cause of traffic safety back many years.

I am fearful that if we pass this particular bill, all of the millions of people who are working in this field voluntarily and professionally will say, "Well, the Government is going to handle it now," and there won't be the effort on the local level that we have today where it is so badly needed.

If this happens, in my opinion we are liable to double or triple the fatalities. Would you comment on that observation?

Mr. PYLE. Mr. Cunningham, first I would like to thank you for your commendation of the work of the Council. We have had the advantage over many others because we have been exposed to this problem a lot longer than many people have, and as a result, I suppose it would be a terrible commentary on our capability if we hadn't excelled at least in some respects in understanding the problem.

But I think we have to remember, as we evaluate the second portion of your observation, that there are certain things in this activity that cannot be done in any other way except by official action. When you are talking about laws and ordinances, traffic accident records, education, with particular emphasis on driver education in the schools, engineering of highways, their design and their construction, motor vehicle administration, police traffic supervision, traffic courts, et cetera, research, these are the things that private agencies can work like mad to encourage, but when it comes right down to action, if we do not have official action we don't have anything, no matter how much noise is made.

For years, the private safety community has driven hard to gain official attention and official action so that we could then continue our effort to gain public support for this official action. I think we have made some rather excellent progress. We haven't made enough progress.

We have been dissatisfied with so many things that we get to the place where we sound like a carping irritant on the national scene. The truth is that at this moment in time, through congressional leadership, Presidential leadership, the authors of books, we have drawn into one central moment the greatest single emphasis on this problem in the history of our total effort.

I believe Mr. Mackay, in his summary of the situation, referred to the fact that Mr. Hoover, 40-some years ago, called the first life and death type of conference. It has been a long time—40 years. During that period of time, we would have to say there has not been adequate official action. There has been strong private action. I do not see any lessening in the private community of efforts.

Certainly the National Safety Council is not going to go out of business. I guarantee you that. There is a world of work to be done here. I think it will be a great encouragement to the private community, Mr. Cunningham, if we get the kind of official action that we are trying to recommend here.

I think our local chapters and the other private organizations throughout the country are going to be so excited about this tremendous breakthrough that we are going to have a dynamism here that we have not had before.

I appreciate your concern, and I suppose there are those among us occasionally who have had that feeling. But even if it were true, we can't afford to stand in the way of progress if, indeed, what we talk about here in the way of action within the framework of this program is essential to the ultimate accomplishment of our ends.

I think it is up to the private safety community to draw new inspiration out of the kind of service that the Congress is trying to stimulate. We just hope that some of our recommendations will be heeded, because we do feel we have substantial knowledge in this field, and we kind of have a respectful feeling that to fail to take advantage of our knowledge and recommendations might be a neglect of the public good.

MR. CUNNINGHAM. You will agree that the problem will never be solved unless we have these people working in the cities, States, and so on, in the so-called private communities?

MR. PYLE. We must have both. All accidents are local accidents. Therefore, at all times the private community must be generating appreciation of, acceptance of, and participation in the disciplines that you will be so helpful to us in advancing it we get a realistic type of legislation.

MR. CUNNINGHAM. Do you know of any figures that prove that auto design is the major cause of accidents?

MR. PYLE. I didn't hear you.

MR. CUNNINGHAM. Do you have any figures that would prove that auto design is the major cause of accidents?

MR. PYLE. We have repeatedly said on cross-examination that we didn't believe that there were any figures in place that were conclusive as to the amount of involvement. There is no denying that there is some design involvement. We have said repeatedly that we thought automobile maintenance probably had a larger hand to play in it than design, but we have repeatedly said there are no specific figures which say that 1, 2, 3, or 4 percent of it is fundamentally design weakness.

This requires a lot more research than we have been able to give it on the basis of the types of information gathering that is currently available to us from the point of the accident.

MR. CUNNINGHAM. Thank you.

MR. KORNEGAY. Mr. Mackay?

MR. MACKAY. Governor, I want to compliment this committee, if I may. I am very proud that it has not tried to act in the role of prosecutor, but has tried to enlist the support of everyone interested in improving traffic safety.

I want to compliment the National Safety Council for coming in here with a positive, affirmative, explicit, helpful discussion of the

legislation before us. If we want to engage in recrimination, we would all have to be on the receiving end of it.

I would say that the present thrust for improved traffic safety would not be occurring had it not been for the work of your organization. I am very grateful to you for this presentation.

As you know, there are 46 Members of Congress who have said we need an agency, that we need a man who personifies the concern of the National Government for traffic safety. I have been interested in your suggestion that this be done somehow through a coordinator in the executive branch. I don't think you can pull all of these activities into one building or one room. I don't argue that this should be.

But I do say that the effort is going to get lost if you just rely on an Assistant Secretary of some department. I would hope that your group would give further consideration to the idea that we need a national traffic safety agency with explicit responsibilities assigned by this Congress, and with an Administrator appointed by the President of the United States.

This is a special kind of commission. If this problem is second only to national defense in its importance, then I think we need a commanding general. By that I don't mean, as I said in my statement before this committee, somebody who just has a lot of power to shove people around, but somebody who can lead the troops.

I was in the Georgia Legislature for 15 sessions, and we spun our wheels on important legislation recommended by your group, because your group didn't speak with the authority of national leadership in a governmental sense. I am just asking you to give further consideration to this main point in our bill, that we need to personify leadership.

I think you have answered this point, but I would like you to confirm it: We all agree there is not adequate data. Do you agree that the Congress should assign responsibility to gather data as to the causes of accidents and injuries?

MR. PYLE. Yes. We have repeatedly urged that this be done. We would like you all to understand that the present data is as good as the present reporting system. If the point of the accident involves an accident report provided by a routinely effective instrument in the person of either a patrolman or whoever reports on the accident, you will be receiving everything he can possibly give you with regard to his time, his competence, et cetera.

But when you go to the other extreme, such as the airplane accident investigation, where you actually try to put this whole thing back together, maybe you have 10 or 12 accidents a year that you are able to treat this way, whereas, in the automobile field you have thousands of them, which makes it so difficult. This is one of the reasons that we recommend that the accident investigation teams be set up within the framework of the Federal users of vehicles, because this would give us some very sophisticated examinations of actual accidents in circumstances that would enable us to come up with much better material than we have.

MR. MACKAY. Would you agree this is the first point that the Government should go to work on, the data, and wouldn't you agree that we could squander hundreds of millions of dollars unless we had the data to tell us where we should put the money?

Mr. PYLE. Yes.

Mr. MACKAY. We have had a lot of testimony by Governor Romney and others about creative federalism, but you have gotten into the specific ways of bringing the States and local governments and the Federal Government together on setting the standards. That is the satisfaction I get out of your testimony; you didn't read a statement on the importance of safety, but you have gotten down to specifics. I am grateful to you and I think it will be extremely helpful to this committee in their further deliberations.

Thank you, Mr. Chairman.

Mr. PYLE. I wonder if we can elaborate a tiny bit on one aspect of this, which relates itself to the coordination which is a part of this seeking after better facts.

Would you comment on this, Mr. Johnson?

Mr. JOHNSON. There has been a congressional concern expressed as early as the Roberts special committee and the Subcommittee on Health and Safety of this committee, as to the coordination of research. This is an understandable desire of the committee, to see that research is coordinated.

But I think it has to be viewed in an understanding way as to the nature of research. The primary coordination of research results from the exchange of information. A Federal research program which was coordinated from the top down by a type of executive direction that embraced all research would be a very unfortunate thing.

The National Institutes of Health effect coordination of medical programs primarily by the exchange of information, and the federally financed programs are coordinated with privately financed programs through the publication and exchange of information.

So I think the Congress should be more concerned at the present time with increasing research appropriations. The decimal point has been in the wrong place. The coordination function can be adequately discharged under such provisions as are in the President's bill, or in your bill.

Mr. MACKAY. I want to say that this is my argument for the agency. Nobody has come before this committee and said that anybody, in the Government or out of the Government, can state categorically that they are familiar with all the research that is going on in this country or in the world, on traffic safety.

The Communicable Disease Center in my district doesn't do all research, but they know everything at the center that is going on that touches on communicable diseases. That is why I am saying that I would like to see a man like you, Governor Pyle, or somebody who is the administration, who can come before this Congress and tell us that he knows all that is going on in this field.

I think if we leave traffic safety in the Department of Transportation, on a permissive basis, the way the President's bill provides, we will risk getting little done. That is why it would help a lot if the National Safety Council would agree with the validity of our approach and support the agency idea.

Mr. KORNEGAY. Mr. Broyhill?

Mr. BROYHILL. Thank you, Mr. Chairman.

I join my colleagues in complimenting the Governor and his staff on their presentation.

In the statistics that you gather, do you go into how these accidents occur so that these statistics can be used in driver education programs?

Mr. PYLE. Mr. Johnson?

Mr. JOHNSON. The police are able to collect certain types of objective information as to the circumstances of accidents, the time and place of occurrence, the specific action of the vehicle, to a degree; various objective circumstances of that type.

The police cannot collect information on causes. The finding of cause information is a research project. For this you need a more adequate funding of research.

The police data do, nevertheless, yield a great deal of useful information, specifically in driver education. For example, what is called a directional analysis schedule, how many accidents are right angle collisions at residential intersections, what are the defenses against the other driver in residential intersections. These are well known.

So the data provide a basic platform on which you can conduct a driver improvement program, for example, even though you don't know the deep psychological causes which are behind the accident.

Mr. PYLE. Actually, about all you get out of them are trend lines, and in all probability if you spend enormous amounts of money on research specifics, you will ultimately begin to verify. But to go behind the trend lines is important. For example, in some two-thirds of the accidents you have a violation of at least one traffic law. That is a fact that is interesting. But why did he violate it? Was he drunk? Was he under the influence?

These are the background items that don't come out in routine police reporting.

Mr. BROYHILL. Do you think we ought to have more information of this kind?

Mr. PYLE. Undoubtedly.

Mr. JOHNSON. About 2 years ago at the University of Illinois, the National Safety Council sponsored a conference on accident records and there was representation from all the professions and disciplines that either collect accident records or use accident records.

At that Urbana conference, a plan was developed for an experimental program to improve accident records. This has moved along with reasonable dispatch. Just next week here in Washington the steering committee of that traffic accident data project will meet. It is expected that they will put approval, their approval, on a revised traffic accident report form which will be greatly stripped down to begin with.

The basic police report will contain only the fundamentals. Then we can begin to use on a sampling basis a wide variety of special reports on specific things. No one officer will use all of them, but on a scientific sampling basis we can get a lot more data by having simple facts on each accident and an intensive examination of all accidents, the vehicle, the driver, and the highway, in all accidents.

Mr. PYLE. The Baldwin amendment has tremendous potential to advance this sort of thing. That is why we have been so firm about the adequate funding of it.

Mr. BROYHILL. Thank you.

Mr. KORNEGAY. Mr. Farnsley?

Mr. FARNSELEY. Thank you.

Thank you, Governor, and your organization, for the wonderful things you have done over the many, many years.

Have you any information on the relative safety of one-way streets versus two-way, and one-way highways versus two-way?

Mr. JOHNSON. I don't have a figure in mind, but I believe it is about a third, accident reduction typically comes from conversion to one-way streets. These figures came from New York, where some of the avenues were not changed over and the experience on the other avenues was used to support the need to change them over.

I would further say that with regard to one-way streets, your real advantage comes in an area where you have a one-way grid. This has a very great effect on moving traffic quickly and greatly reduces accidents.

Mr. FARNSELEY. As you probably know, in California and Virginia they built some one-way roads where part of the road might be a mile or a half mile away from the other section.

Have you any figures, offhand, about the relative safety of streets and highways that are lighted to the standards of the society or Illuminating Engineers?

Mr. JOHNSON. Yes; not precisely the answer to your question, but I think a demonstration of value of lighting. There were nine illumination projects one year in Virginia, and the State of Virginia kept track of the before-and-after accident cost, the deaths, injuries, and damage.

The annual savings from these 9 projects were equal to 10 times the cost of providing the additional illumination. It cost about \$14,000 per year to provide the illumination and saved \$140,000 in accident costs.

Mr. FARNSELEY. Thank you so much.

Governor, I am just a fanatic on the subject, and I need your help. I want you to restudy this point. I will give you a Library of Congress study on illuminating which will be a help. The House Committee on Public Works has a report of May 3, 1966, from the Joint Committee on Illuminating Engineers. You can get it from them.

I think the Government doesn't come into this thing with clean hands. This isn't to take any blame off anybody else, but we are setting the standards on the streets and highways, and trivial costs would make our streets and highways much, much safer, one way and illuminating. I think it is just criminal negligence. I don't know why it is not being done. Maybe it is stupidity. Something should be done about it. It can be done fast and quickly and you can do more than anyone else to get this going.

Mr. JOHNSON. May I say we endorse the IES illuminating standards. We collect data from a thousand cities in the 50 States on the number of miles of streets that they have which come up to the standards. It is in the draft report that we gave to the Secretary of Commerce, the recommendation as to how the Baldwin amendment might be administered.

We will supply a copy of this report for the committee's files. I will direct your attention to the pages which refer to the illuminating engineering.

Mr. FARNSEY. Thank you.

I put in an amendment which would require that the public roads not spend money on new roads unless they are illuminated as approved by the Secretary. I don't know whether I will get it or not, of course.

Thank you.

Mr. KORNEGAY. Mr. Harvey?

Mr. HARVEY. The National Safety Council is a privately supported institution, is it not?

Mr. PYLE. That is right.

Mr. HARVEY. Are you supported by industry?

Mr. PYLE. We have about 9,500 members. It is a membership organization. About 80 percent of our income, or slightly more than that, comes from the publications that we put out of a technical nature, the advance material on how we develop safety programs, and so forth. So we have some capacity to earn income in addition to our membership.

Mr. HARVEY. But your membership includes members in industry?

Mr. PYLE. That is right. There are about 6,500 industrial members.

Mr. HARVEY. Among those members are the auto industry as well?

Mr. PYLE. Yes.

Mr. HARVEY. I take it they have been members of the National Safety Council for a good many years?

Mr. PYLE. A good many years.

Mr. HARVEY. Since its founding?

Mr. PYLE. No, not since its founding.

Mr. HARVEY. Can you tell us how long, approximately?

Mr. JOHNSON. I couldn't give you an exact date, sir, but I can get it for you.

Mr. HARVEY. Would you say it is in excess of 10 years?

Mr. JOHNSON. Thirty years at least. International Harvester, which also manufactures trucks, was one of the businesses which helped found the National Safety Council in 1913.

(The following information was subsequently supplied by the National Safety Council:)

The dates on which automobile manufacturing companies became members of the National Safety Council, which are as follows:

- a. General Motors joined the Council in October, 1938. However, units of the parent company had been members prior thereto.
- b. Chrysler joined the Council in August of 1922.
- c. The Ford Motor Company re-joined in February, 1947 after having dropped its membership during the Depression.
- d. American Motors joined in April, 1960, but here again units of the company had held prior membership.

Mr. HARVEY. And the other automobile companies have shown an interest in belonging to this organization and participating for the several years?

Mr. PYLE. Yes, but no more so than a great many others.

Mr. HARVEY. In Michigan, where I come from, the automobile companies are leaders in the field of industrial safety. Their plants are some of the safest to work in in the entire State of Michigan, I think.

Many of us who have been close to their organizations feel that is because they have a very well balanced safety program in the three

E's as we call them—education, engineering, and enforcement in the plant. So far in these hearings we have been dwelling chiefly with the engineering aspects that go into the automobile.

My question to you is: What do you think the role of the Federal Government should be in the other two aspects, the education, the public education aspects, the field that you are in, for example? What do you think the role of the Federal Government should be, if any, in the field of enforcement, beyond what is contained in these bills?

Mr. PYLE. Title III covers this rather well, Mr. Harvey. We have supported title III in every respect except that the amounts involved are inadequate to do the kind of a job that we think the Congress should be helping to do.

Mr. HARVEY. What amounts do you think should be included in title III?

Mr. PYLE. We have indicated that we think the overall total of money now needed in addition to what is already being spent by all levels of government is approximately \$1 billion a year. We have spelled this rather precisely. If you would like a personal copy of our appraisal of this, we would be very happy to make one available to you. A substantial portion of this would be covered by title III.

Mr. DEVINE. Would the gentleman yield?

Mr. HARVEY. Yes.

Mr. DEVINE. Do you mean that would be the Federal Government's share or contribution?

Mr. PYLE. No. All levels of government should respond with new funds to the amount of at least \$1 billion a year, all levels of government. In order to ascertain what the State and local portions of this total sum should be, we are anticipating with great interest a meeting scheduled for June 1 and 2 in Chicago which will be sponsored by the Council of State Governments, inviting in the League of Cities, the Association of Counties, et cetera, to sit down and evaluate areas of responsibility and the financial equations for the national participation, not necessarily Federal, but what should the national participation be.

We think that the recommendations that will come out of this meeting should be very helpful to you in evaluating the types of questions that you have in mind.

Mr. DEVINE. Thank you.

Mr. HARVEY. I have no further questions, Mr. Chairman.

Thank you.

Mr. KORNEGAY. Governor Pyle, let me ask you two or three questions.

The National Safety Council has no State or local chapters as such, or State or local branches?

Mr. PYLE. We do. We have between 80 and 85 chapters scattered throughout the United States that meet certain accreditation standards which we require. These chapters are locally operated, financed, manned, directed, and led. Our accreditation policy is like the Good Housekeeping Seal of Approval: If you meet these standards of organization, then we would like you to be known as the National Safety Council in Los Angeles, or whatever the case may be.

Mr. KORNEGAY. You or your organization is interested in and participates in all areas of safety in addition to highway safety?

Mr. PYLE. Industrial, traffic, farm, labor, home, and public, among others.

Mr. KORNEGAY. Do you have any figures or estimates as to what portion of the total effort of the National Safety Council is directed toward highway safety?

Mr. PYLE. Would you be able to evaluate that?

Mr. JOHNSON. About 40 percent.

Mr. PYLE. It is something in that order. It runs about \$3 million a year out of our \$6 million to \$7 million budget.

Mr. KORNEGAY. Could you reasonably say that more effort is directed toward highway safety than any other specific area?

Mr. PYLE. Yes, sir; and the reason for this, sir, is that all of our members have a very great interest in traffic safety because so many of them are operating big fleets, like the American Telephone and Telegraph. They have an enormous fleet of vehicles and they are interested in seeing to it that their people participating in this pattern of activities are helped along by intelligent approaches to solutions of this order. And of course, you have to bear in mind the fact that we regard the traffic problem as about 45 percent of the national problem, and in the distribution of our resources we try to spend it in the directions in which we think it really should go.

Mr. KORNEGAY. Do you have within the framework of the organization a speakers bureau, or any program to obtain and encourage speakers to go into the local communities and make talks to civic clubs and various other groups on safety, and particularly highway safety?

Mr. PYLE. Just about the second largest single item in our budget is our travel budget, so that our staff moves all over the United States and, in addition to that, we supply the local chapters with continuous flows of materials which they are able to use locally in the distribution of the type of thing you refer to, either by speeches or by working with the local Rotary Clubs in the development of a child safety program around the schools, or whatever the case may be.

Mr. KORNEGAY. My reason for asking that is that it is my feeling that if we are to make an appreciable impact on these things we have heard so much about, death, injury, property damage, it is going to require a great revival in this country of public interest and public concern.

We here in Washington and in the various State legislatures can write all the laws you want. A lot are needed. I am not trying to minimize that. But if we don't have public support and awareness, no matter how safe the automobile, of the damage that the automobile can do in the hands of an irresponsible driver, we are not going to make the headway that I think we need to make and we ought to make.

Mr. PYLE. We accept the challenge as we hope you will accept the challenge as we have tried to lay it out here today with respect to the professional side of what we do to engineer the right kinds of official action.

I personally, as a former public official, know so well that you can only go about as far as the public will accept the act thus involved. We have said here that the public can have just about as much traffic safety as they are willing to accept in terms of financing and discipline.

Mr. KORNEGAY. That is right.

Mr. PYLE. You are the people who must provide a major portion of the financing and the acts that bring on the discipline. We, in our role, contrary to Mr. Cunningham's view that maybe we are going to go out of business—the more you do, the more we are going to have to do. We accept that challenge.

Mr. KORNEGAY. I urge you to keep up your good work in that area and to increase it, if at all possible.

I yield to the gentleman from Georgia.

Mr. MACKAY. According to the statistics furnished my office by the National Safety Council, there has been an upturn in the rate of traffic accidents in the first 3 months of this year.

Mr. PYLE. Steady, not appreciable.

Mr. MACKAY. Do you have any opinion on that? Is that because of the increased volume of traffic, or have you any opinion or have you made any analysis of why this is so?

Mr. JOHNSON. Right now it is a guess that it is essentially an increase in traffic. There is a short delay in the gasoline consumption figures. Within another month or two we will have early reports on the first few months as to the gas consumption. But if the trends of the last months of last year in traffic still hold in the first part of the year, and they normally are quite stable, deaths are up, I believe the figure is 7 percent, and the traffic would be up about 6 percent. So there still is an increase in rate, a slight increase in rate.

Mr. PYLE. Could we add this touch, so that you will appreciate what the increase in numbers does: The accident potential does not increase by 1's and 2's. It increases by the square of the numbers. This is something that escapes the view of many who are not as deep in this as perhaps we are.

Mr. KORNEGAY. In other words, if you double the traffic there is four times the accident rate, or potential?

Mr. JOHNSON. This is true. I can tell you a place where you can see this very dynamically. Florida has historically the largest percentage increase in travel. Examine the trend in two vehicle collisions on Florida rural roads and you will see the compounding of this geometric factor.

We supplied an analysis of this to the Ribicoff committee in February. We would not have time, while your record is open, to update it, so it is a little out of date, but these factors of two-vehicle collisions, young drivers, old drivers, seat belts, were analyzed there, and I can supply a copy of that for the record, if you would like.

Mr. KORNEGAY. Thank you very much.

(The study referred to follows:)

NATIONAL SAFETY COUNCIL STATEMENT TO SENATE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION FEBRUARY 2, 1966

THE TRAFFIC ACCIDENT PROBLEM

Traffic deaths increased again in 1965 to an estimated 49,000. This was 3 per cent more than the indicated 1964 total of 47,700, but it was the smallest year-to-year increase in the last four years. In previous years, the increases were: 1964 + 9 per cent; 1963 + 7 per cent; and 1962 + 7 per cent.

Injury and property damage accidents

Injuries disabling beyond the day of the accident are estimated at 1,800,000 for 1965 with less serious injuries totaling about the same number. Property damage accidents exceeded 11,000,000, involving nearly 20,000,000 drivers. One driver in five was involved in some kind of a traffic accident during the year.

Costs

Motor vehicle accidents cost the nation more than \$8 billion in 1965, nearly double the amount ten years ago and four times the cost at the end of World War II. The cost consisted of \$2.8 billion in property damage, \$2.2 billion in wage losses of those killed and injured, \$500 million medical and hospital expenses, and \$2.6 billion administrative and claim settlement costs of insurance.

Travel, vehicles, drivers

Motor vehicle travel increased to 880 billion miles in 1965. This was nearly 40 billion more than in 1964 and 140 billion more than in 1961. Travel in 1965 exceeded travel in all three years combined immediately preceding World War II.

The number of vehicles in 1965 totaled 91 million, nearly four million more than in 1964 and 30 million more than ten years earlier. Drivers totaled 98 million in 1965, two million more than in 1964 and 20 million more than ten years ago.

Mileage death rates

The mileage death rate in 1965 was 5.6 (deaths per 100,000,000 vehicle miles of travel). This was down from the preliminary 1964 rate of 5.7, and marked the first yearly reduction in this rate since 1961. In that year, the rate was 5.2, the lowest on record. The 1965 rate was the same as in 1958, in which year the number of vehicles and the amount of travel was one-fourth less than it was in 1965.

Travel and death rates on turnpikes and the interstate system

More than 18 billion miles were logged on the nation's turnpikes (toll roads) during 1965, and the mileage death rate was 2.4, two-thirds lower than the 7.6 rate on all of the nation's rural roads. Completed portions of the Interstate System, including the turnpikes, handled more than 75 billion miles of travel during the year with an indicated mileage death rate of 2.6.

Regional and State deaths, injuries and property damage accidents

Deaths were up 10 per cent in the New England region in 1965 over 1964, and they were about unchanged in the Central regions. Otherwise, deaths were up a little more in the Eastern regions than they were in the Western regions, although the changes varied little from the national increase of 3 per cent.

Compared with 1961, deaths for the entire U.S. were up 29 per cent in 1965. For this longer period, the New England region had a 45 per cent increase, while the Mountain region had only a 14 per cent increase. For other regions, deaths were up more than the national average in the Eastern regions, up a little less in the Pacific region, and about the same as the national average in the Central regions.

Urban-rural deaths

In 1965 urban deaths totaled 15,000, rural deaths 34,000. Urban deaths totaled more than 30 per cent of all deaths in 1965, compared with 25 per cent less than ten years ago. The urban percentage of deaths, has increased each year since 1955, reflecting both an increase in the proportion of travel that is in urban areas, and the multiplying consequences of this increase. The mileage death rate in urban areas was 3.6 in 1965, up slightly from 3.5 in 1955; the rural rate was 7.4 in 1965, down from 8.6 in 1955.

A substantially different urban-rural picture of the accident problem is presented by a comparison of fatal accidents with less severe accidents. Fatal accidents are two-thirds rural. But the less accidents, two-thirds urban. Further, it is important to recognize the substantial numbers of accidents in smaller cities and towns and in rural areas off the state highway system. Totals are not available at this time for 1965, but they would not differ importantly from 1964 figures shown below.

ACCIDENTS BY LOCATION, 1964

Urban

	Total	Population groups					
		2,500 to 10,000	10,000 to 25,000	25,000 to 50,000	50,000 to 100,000	100,000 to 250,000	250,000 and over
Fatal accidents.....	13,600	2,860	2,310	1,770	1,500	1,630	3,530
Nonfatal injury accidents.....	650,000	91,000	110,000	91,000	78,000	98,000	182,000
Property damage accidents.....	8,200,000	900,000	1,100,000	1,000,000	900,000	1,300,000	3,000,000

Rural

	Total	Type of road			
		Controlled access	State route	County route	Other
Fatal accidents.....	25,400	1,270	15,500	7,360	1,270
Nonfatal injury accidents.....	450,000	23,000	248,000	125,000	54,000
Property damage accidents.....	3,000,000	200,000	1,500,000	900,000	400,000

Rural motor vehicle deaths by type of road

1965 figures by type of road are not available at this time, but in 1964 motor vehicle deaths increased more percentage-wise on county roads than they did on state roads, both between 1963 and 1964, and also between 1961 and 1964. Comparisons with controlled access highways are not valid because of the large increase in the miles of controlled access highways being opened each year. Despite this fact, the percentage increase in deaths on county roads exceeded that of the controlled access roads between 1963 and 1964.

Since controlled access roads have a fatality rate only one-third that of other rural roads, and only about one-fourth that of those roads being relieved of traffic, rural deaths would likely have increased about 3,000 to 5,000 more between 1961 and 1964 if the controlled access roads had not been built.

Rural motor vehicle deaths, by type of road, and changes, 1961-1964

Type of road	Percentage increase		Numerical increase	
	1963-64	1961-64	1963-64	1961-64
Total.....	+9	+20	2,650	5,640
Controlled access roads ¹	+12	+240	300	1,600
State routes.....	+9	+15	1,400	2,760
County routes.....	+13	+21	950	1,280

¹ Road-miles and vehicle-miles for such roads are increasing rapidly; consequently national death totals show increases. These are safer roads by $\frac{2}{3}$, if not built, other categories would show much larger death increases.

Type of accident

Three-fourths of the increase in deaths in 1965 over 1964 arose out of two-vehicle collisions, and more than half of the increase since 1961 arose out of such accidents. Over 40 per cent of all motor vehicle victims in 1965 died in two-vehicle crashes, compared with 35 per cent ten years ago, and 30 per cent before World War II.

Of the *occupants* of motor vehicles that were killed in 1965, more than half were in two-vehicle accidents. In urban areas, these accidents are increasing twice as fast as they are in rural areas.

While 40 per cent of all motor vehicle deaths arise out of two-car crashes, these accidents account for two-thirds of the injuries, 80 per cent of the property damage accidents, and about 80 per cent of total accident costs. Five out of six drivers who have accidents are involved in two-car crashes.

Noncollision accidents (ran-off-road, overturned-in-road) are next in importance in terms of fatalities, followed by pedestrian accidents, collisions with fixed objects, collisions with railroad trains, and bicycle accidents. Also higher in 1965 were deaths in fixed object collisions, and collisions with trains and animals. Pedestrian and bicycle deaths were a little lower.

Factors affecting the accident problem

For nearly the entire decade of the 50's and for the first two years of the 60's, motor vehicle deaths remained on a plateau, ranging from a low of 35,586 in 1954 to a high of 39,628 in 1956. The decade of the 50's closed with a total under 38,000 in 1959, and the figure was only 200 higher in 1961. During the 30's, 40's, and 50's, the U.S. was the only highly motorized nation in the world which was reducing its motor vehicle population death rate.

This relative stability was accomplished despite an increase from 1950 to 1961 of 55 per cent in the number of motor vehicles and 61 per cent in motor vehicle travel. During the same years, the mileage death rate was reduced 32 per cent from 7.6 to 5.2.

In 1962, the 40,000 death toll barrier was breached, as deaths increased 2,700 (seven per cent). Deaths increased another 2,800 (seven per cent) in 1963, they were up 4,100 (nine per cent) in 1964, and another 1,300 (three per cent) in 1965. In the four years since the 40,000 total was exceeded, the annual count has increased by more than 10,000 deaths.

Travel, vehicles and population have increased every year since the end of World War II, so further increases in 1962, 1963, 1964, and 1965 do not seem sufficient to explain the sharp rises. Increases in the *quantity* of exposure continued to exert pressure on facilities, but, in addition, the *quality* of exposure seems to be of increasing importance.

Factors in the increase

1. *Increase in travel.*—The sharp increase in travel alone could be expected to result in an increase in deaths. Studies show that the opportunity for two-vehicle collisions increases even faster than an increase in mileage (approximately as the square of the mileage increase rather than in direct proportion to the mileage increase), so deaths would be expected to go up more percentage-wise than travel has gone up.

Among the major accident types, deaths in two-vehicle collisions showed the greatest increase from 1961 to 1965; they were up one-third in the nation, and they were up two-thirds in urban areas. Since the end of World War II, deaths in these accidents have more than doubled.

2. *Increase in young drivers.*—The sharp increase in births following World War II is now affecting the driving population. These new inexperienced drivers with the highest accident rates are becoming a larger and larger proportion of the total number of drivers.

3. *Increase in speed.*—Speed studies by the U.S. Bureau of Public Roads show that the average speed on main roads continues to increase. Other studies show that the chances of being killed in accidents increase at a faster rate than the increase in speed; e.g., in accidents that occur at 65 m.p.h., occupants are twice as likely to be killed as in accidents at 55 m.p.h.

4. *Increase in small cars.*—Although small passenger cars do not appear to be involved in accidents any more frequently than large passenger cars, when an accident does happen, small-car occupants are twice as likely to be killed as are large-car occupants. Compounding the high casualty experience of small cars has been an increase in their numbers from less than 2 per cent of all passenger cars in 1958 to about 17 per cent in 1964. Although the casualty rate in cars of both sizes was near the lowest on record in 1964, the change in the "mix" of the passenger car population has added thousands of deaths to the fatality count.

5. *Increase in motorcycles.*—From 1961 to 1965, the number of motorcycles, including motorized bicycles and motor scooters, has doubled. In 1965 alone, the number of these vehicles increased by one-third over 1964. Deaths involving these vehicles have increased even more than the increase in vehicles, jumping from about 725 in 1961 to 1,180 in 1964, and an estimated 1,500 in 1965.

6. *Drivers, vehicles, and travel increase more than expected.*—Not only have these factors been increasing every year, but they have reached totals generally not expected until later years, thus placing additional burdens on facilities and programs.

7. *Business, travel, and accident rate cycles are up.*—Motor vehicle travel moves in cycles, apparently being influenced by the business cycle. And as travel moves up, deaths move up even more.

With the current business cycle the longest and most vigorous since World War II, the effect on vehicle travel has remained strong. Both gross national product and travel have pushed further above their trend lines than in any other period since the end of World War II.

Favorable factors

Partially offsetting the adverse effects of the factors listed above has been the favorable effects of such factors as the following:

1. *Seat belts.*—This equipment does save lives, and when fully used could reduce fatalities by 5,000 a year. Limited use in 1965 saved about 750 lives.

2. *Vehicle design features.*—Better door locks, padding and recessing, and other vehicle safety features are saving lives, too.

3. *Limited access highways.*—Lower fatality rates on these highways, as well as on older highways relieved of traffic saved about 5,000 lives in 1964, and probably as many in 1965.

4. *Spot improvement projects.*—Reports on completed projects indicate significant reductions in accidents and costs. In addition, the savings which result from fewer accidents pay for the cost of the improvements, often in a year or two.

5. *Safety education.*—Young drivers who have had driver education are involved in fewer accidents, and are cited for fewer violations than those who have not had driver education.

Circumstances of the accidents

A factor in most motor vehicle accidents is improper driving of one kind or another. This does not mean that improper driving alone is responsible for accidents; often improper driving—intentional or unintentional—combines with vehicle and/or roadway deficiencies to produce an accident potential situation that is difficult to resolve safely.

Driving too fast for conditions (which also includes relatively slow speeds in congested areas, on slippery roads, etc.) is the principal circumstance in fatal accidents in both urban and rural areas. Right-of-way errors, including failure to yield and disregard of signs and signals, is the most important circumstance in injury and property damage accidents in urban areas, and the second most important circumstances in rural areas. Knowledge of the importance of these circumstances, and other such as improper overtaking, following too closely, etc., will increase the efficiency and effectiveness of preventive efforts.

Directional analysis of accidents

Knowing the frequency of different types of accidents is not enough. Preventive action requires more specific information, such as the location of the accident and the movement of the vehicle. For example, knowing that two-vehicle accidents result in more fatalities than any other type of accident provides nothing on which to build an accident prevention program. But by knowing the location of these accidents, and by knowing the movement of the vehicles in these locations at the time of the accident, education, engineering, and enforcement efforts can be brought to bear in a specific approach to the problem.

Future trends

By 1975, traffic volume is expected to be about 50 per cent greater than it was in 1965; a third more vehicles will be competing for use of the streets and highways; nearly 25 per cent more people will be fighting for their motoring "rights."

Congestion will increase, but not in major traffic areas, because efforts will be continued to promote the "free" flow of traffic. So the potential for fatal accidents will increase as traffic increases. Where congestion cannot be controlled, and in many urban areas this will be the case, the potential for injury and property damage accidents will increase.

The rising proportion of young drivers will continue each year through the 1970's, and traffic records will be influenced more and more each year by their experience.

Currently the trend is toward larger "small" cars and this will be a plus factor in the accident picture, except if a serious business recession should occur, small, economy cars probably will increase in popularity, and this would be a minus factor.

As previously stated, the nation's economy currently is the most prosperous in history. Periods of adjustment would be normal, and these should affect traffic in a manner favorable to accident experience.

Summary

The rising pressure of people, machines, and travel will continue to burden facilities and safety programs in the year ahead. Easy solutions to the problem will not work. They haven't worked in the past, they won't work in the future. The problem must be dealt with honestly, realistically, and courageously, as indicated by sound statistical analysis and research.

Mr. KORNEGAY. Governor Pyle, we want to congratulate you and your organization for the wonderful work you have done, and we know it will continue to do. We appreciate so much your coming before the committee and giving us a very fine and constructive statement. Thank you very much.

Mr. PYLE. It is a privilege, Mr. Chairman.

May I say in conclusion that nothing we have said here today is to be construed—although we differ with respect to our judgments on some of these things—as an attack on anybody in the Congress who has a contrary view, nor the automobile manufactures, or anyone else.

We think we have a professional responsibility, and we have tried to give you our very best judgment with respect to these very critical things. This is a moment of opportunity, and if we fail to take advantage of the best knowledge that we have available, and if we fail to share that knowledge with you as objectively as possible, then we have failed miserably in our responsibility, even though at times it appears that we are out of step with people whom some might expect us to parrot. We don't parrot anybody.

We have frequently differed with others. When we decided to dry up the Christmas party, we didn't make a lot of our sponsors particularly happy and we lost a lot of money as a result of it, but money is not our mission in life. As a congressionally chartered organization, we have a responsibility to be first of all objective, and professional about our mission.

What we have said to you here today represents the best professional judgment that nearly 50 years of study of the accident problems generally qualifies us to give. If we can be of any further assistance, we hope you will call us, because we are just as close as your phone.

Mr. Mackay, we will give your special concern with the agency thing some more thought and we will drop you a letter in a few days.

Thank you very much, all of you, for a very wonderful reception.

Mr. KORNEGAY. Thank you.

Mr. PYLE. Thank you.

The CHAIRMAN. I have received a letter from Mr. Lloyd N. Cutler, addressed to counsel for the committee, and the enclosures with the letter include proposed changes in H.R. 13228, and a summary of the proposed changes.

This material was submitted in response to a request by a member of the committee when Mr. John Bugas testified. According to Mr. Cutler, this submission will carry out the various amendments proposed by Mr. John Bugas on behalf of the Automobile Manufacturers Association.

This material will be included in the record at this point.
(The material referred to follows:)

WILMER, CUTLER & PICKERING,
Washington, D.C., May 9, 1966.

WILLIAM J. DIXON, Esq.
Committee on Interstate and Foreign Commerce, House of Representatives,
Washington, D.C.

DEAR MR. DIXON: In accordance with our conversation this morning, I am enclosing herewith two copies of a mark-up of Title I of H.R. 13228, together with a brief explanatory memorandum.

The mark-up contains the legislative language appropriate to carry out the various amendments proposed by Mr. John Bugas on behalf of the Automobile Manufacturers Association in his testimony on April 26th, and is being submitted in response to the Committee's request.

Sincerely,

LLOYD N. CUTLER.

SUMMARY OF MAY 3, 1966, MARK-UP OF TITLE I, H.R. 13228

I. The principal changes made by the mark up are:

1. The standard setting provisions of section 102 are changed to place the authority and duty on the Secretary to establish such Federal motor vehicle safety standards as he determines to be necessary to accomplish the purposes of the Act, under appropriate guidelines and procedures, and with the States and the automotive industry having a part in the standard-making process subject to the Secretary's ultimate authority under the Act to issue standards.

a. Subsection (a) places the authority and duty on the Secretary.

b. Subsection (b) recognizes the presently existing Vehicle Equipment Safety Commission (VESC) as a standard setting agency, and provides that the Secretary shall cooperate with VESC in developing standards, so as to assure the maximum practicable compatibility between Federal standards, which apply up to the first purchase for purposes other than resale, and State standards which apply thereafter.

c. Subsection (c) recognizes the need for automobile manufacturers to cooperate in formulating, evaluating, proposing, and complying with standards, etc., and provides that nothing therein shall exempt from the antitrust laws any conduct that would otherwise be unlawful under those laws.

d. Subsection (d) directs the Secretary to issue as a Federal standard any existing VESC standard which he finds consistent with the purposes of the Act, and to propose (after such initial period not to exceed two years from the date of enactment as he considers reasonable) new standards to the VESC for adoption within 180 days or such longer time as the Secretary specifies.

e. Subsection (e) provides that the Secretary shall adopt standards issued by VESC pursuant to his proposals which he finds satisfactory, and that the Secretary shall issue his own standards if VESC action is inadequate or delayed beyond the time specified.

f. Subsection (f) allows the Secretary to extend the two year maximum for making a standard effective whenever he finds good cause for so doing. It also preempts state standards only if they differ from Federal standards, consistent with the approach followed in the Tire Safety bill, S. 2669.

g. Subsection (g) deals with amendments and withdrawals of Federal standards, with the VESC performing the same function as in the original consideration of standards and with the Secretary likewise having the final say.

h. Subsection (h) sets forth the guideline criteria to be followed by industry in proposing etc., and by the Secretary in establishing, amending or withdrawing standards.

i. Subsection (i) requires the Secretary to comply with the rule making procedures of section 4 of the Administrative Procedure Act. It also requires him to act on the basis of "a fair evaluation of the entire record," a standard written into the Food Additives Amendment of 1958 and the Color Additives Amendments of 1960 (§§ 409(g) and 706(d) of the Federal Food, Drug, and Cosmetic Act); this standard is also inserted in the judicial review provisions of section 103.

2. Section 107 which deals with prohibited acts has been modified, consistent with other regulatory statutes such as the brake fluid and seat belt standards legislation, to provide that only knowing and willful failure to comply with standards is a violation. A provision has also been included for the giving of certificates of compliance to protect innocent dealers—compare section 303(c) (2) of

the Federal Food, Drug, and Cosmetic Act. A new subsection (c) has been added to make clear that the Secretary is not required to report minor violations where a warning will suffice—compare section 306 of that Act.

3. Section 108 is modified to limit the penalty for a related series of violations to a maximum of \$100,000 and to provide that the amount of penalty is to be determined by the court having jurisdiction and venue of the collection proceeding (the applicable statutory provisions for collections, etc., appear generally in §§ 1355, 1395, 2461, and 2462 of Title 28, United States Code).

4. A new subsection (a) has been added to the injunction provisions of section 109. Consistent with section 305 of the Federal Food, Drug, and Cosmetic Act, it provides for notice and an opportunity to present views before a violation is reported for the institution of an injunction proceeding. It also provides, consistent with section 9 of the Administrative Procedure Act, that a reasonable opportunity to take corrective measures to cure the violation is to be given except where knowing and willful conduct is involved.

5. The seizure provisions of section 110 have been deleted.

6. A patent provision has been added as section 114. It enables any manufacturer to use any patent needed to meet a Federal standard, and it limits the patent holder to the collection of reasonable royalties, rather than an injunction.

II. Miscellaneous other changes are made as shown. These include:

1. The deletion of all references to property damage, since standards to protect against death or personal injury may be inconsistent with standards to protect against property damages.

2. The exemption of trucks over 6,000 pounds gross vehicle weight and buses which actually meet I.C.C. safety regulations, whether or not they are legally required to do so.

3. The insertion of necessary references to VESC.

4. Various conforming and other minor changes.

[H.R. 13228, 89th Cong., 2d sess.]

[Omit the part printed in black brackets and insert the part printed in *italics*]

A BILL To provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths and injuries, *to persons* [and property damage] which occur in such accidents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Traffic Safety Act of 1966".

Sec. 2. The Congress hereby declares that the purpose of this Act is to reduce traffic accidents and the deaths, and injuries, *to persons* [and property damage] resulting from traffic accidents. To this end, the Secretary of Transportation shall have authority, *as provided in this Act, in cooperation with the States*, to establish motor vehicle safety standards for motor vehicles and equipment in interstate commerce; to undertake and support necessary safety research and development; and to encourage and provide financial assistance in developing State traffic safety programs under effective standards for drivers, motor vehicles, postaccident care and the traffic environment, including highways.

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

DEFINITIONS

Sec. 101. As used in this title—

(a) "Motor vehicle safety" means the performance of motor vehicles or motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design of motor vehicles and is also protected against unreasonable risk of death, *or injury to persons* [or property damage] in the event accidents do occur.

(b) "Motor vehicle safety standard" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria on which the public may rely in assuring motor vehicle safety.

(c) "Motor vehicle" means any vehicle driven or drawn, by mechanical or other power, primarily for use on the public roads, streets and highways, other

than (1) a vehicle subject to safety regulations under part II of the Interstate Commerce Act, as amended (chapter 8, title 49 of the United States Code), or under the Transportation of Explosives Act as amended (sections 831-835 of chapter 39, title 18 of the United States Code), and any heavy truck over six thousand pounds gross vehicle weight and any bus which, although not subject to such safety regulations, nevertheless conforms to them, and (2) a vehicle or car operated exclusively on a rail or rails.

(d) "Motor vehicle equipment" means any system, part or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part or component or as an accessory or addition to the motor vehicle.

(e) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(f) "Interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(g) "Secretary" means Secretary of Transportation.

(h) "Vehicle Equipment Safety Commission" means the Commission as established under authority of Pub. L. 85-684, Aug. 20 1958, 72 Stat. 635, as amended by Pub. L. 88-466, Aug. 20, 1964, 78 Stat. 564, or as it may be reconstituted hereinafter by law. "Vehicle Equipment Safety Compact" means the interstate compact creating such Commission under the aforesaid authority as such compact may be amended from time to time.

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

SEC. 102. (a) In accordance with the provisions of this section, the Secretary shall have the authority and the duty to establish such Federal motor vehicle safety standards as he determines to be necessary to accomplish the purposes of this Act

(b) The Vehicle Equipment Safety Commission is hereby recognized as a multi-State instrumentality authorized by Congress and the several States to issue motor vehicle safety standards provided for in the Vehicle Equipment Safety Compact, as amended from time to time, for consideration and adoption by the various States. In order to assure uniformity and compatibility insofar as practicable between Federal motor vehicle safety standards applicable to motor vehicles and motor vehicle equipment up to the first purchase of such motor vehicle or motor vehicle equipment in good faith for purposes other than resale, and such State motor vehicle safety standards as may be applicable to motor vehicles and motor vehicle equipment before and after the first purchase in good faith for purposes other than resale, the Secretary shall cooperate and offer to participate with the Vehicle Equipment Safety Commission in the development of motor vehicle safety standards that will accomplish the purposes of this Act.

(c) Motor vehicle manufacturers are authorized—

(1) To formulate motor vehicle safety standards and amendments thereof for consideration and adoption by the Vehicle Equipment Safety Commission and the Secretary.

(2) To propose such standards to the Vehicle Equipment Safety Commission and the Secretary, and to furnish the Commission and the Secretary all pertinent information and data that may be necessary for a proper evaluation of such proposed standards.

(3) To comply voluntarily with such proposed standards until such time as legally binding State or Federal standards covering the same subject matter have become applicable and effective.

Manufacturers of motor vehicles are authorized and encouraged to cooperate with each other, and individually or jointly with others, including the Secretary and the Vehicle Equipment Safety Commission, in designing, testing and producing motor vehicles or motor vehicle equipment for the purpose of developing, evaluating or complying with proposed motor vehicle safety standards, and in agreeing or seeking agreement on such standards to be formulated and proposed by them to the Commission and to the Secretary for adoption. Nothing herein contained shall be deemed to exempt from the antitrust laws of the United States any conduct that would otherwise be unlawful under such laws.

[(a)] (d) The Secretary shall, from time to time, review existing public and private motor vehicle safety standards, including standards issued by the Vehicle Equipment Safety Commission, and the degree of effective compliance existing with respect to such standards. He shall establish and issue by order as a Federal motor vehicle safety standard any existing motor vehicle standard issued by the Vehicle Equipment Safety Commission which he finds appropriate and necessary to accomplish the purposes of this Act. [If, at any time after two years from the date of the enactment of this Act, he determines] If the Secretary, after allowing such initial time (not exceeding two years from the date of enactment of this Act) as he considers reasonable for motor vehicle manufacturers to propose and for the Vehicle Equipment Safety Commission to adopt a particular motor vehicle safety standard, determines that there is a need for a new or revised motor vehicle safety standard and that—

(1) no such motor vehicle safety standard exists;

(2) an[y] existing motor vehicle safety standard is inadequate to protect the public against unreasonable risk of accidents or of death or injury to persons, [or property damage] resulting therefrom, as defined in section 101(a);

(3) an[y] existing motor vehicle safety standard is not based upon all measurements of performance necessary to the achievement of motor vehicle safety; or

(4) the degree of effective compliance with respect to any existing motor vehicle safety standard is insufficient to achieve adequate motor vehicle safety; then in the Secretary is [authorized] directed to propose an appropriate motor vehicle safety standard to the Vehicle Equipment Safety Commission and to request the Commission, within one hundred and eighty days from the date of the request or such longer time as the Secretary may specify, to act on such proposal by issuing an appropriate standard. The Secretary shall promptly publish in the Federal Register a notice of each such proposal and request with his reasons for believing that there is need for the standard proposed by him.

(e) If the Vehicle Equipment Safety Commission acts upon a request of the Secretary within the time specified by issuing a motor vehicle safety standard which is satisfactory to the Secretary, he shall establish and issue by order such standard as a Federal motor vehicle safety standard. If the Vehicle Equipment Safety Commission within the time specified fails to act upon a request of the Secretary or acts by issuing a motor vehicle safety standard which the Secretary determines is inadequate to protect the public against unreasonable risk of accidents or death or injury to persons resulting therefrom, the Secretary shall thereafter establish and issue by order a Federal motor vehicle safety standard on the subject covered by the request. [to establish and issue by order, in accordance with section 4 of the Administrative Procedure Act, appropriate Federal motor vehicle safety standards for motor vehicles or motor vehicle equipment.]

[(b)] (f) A Federal motor vehicle safety standard issued by order pursuant to subsections [(a)] (d) and (e) shall become effective on [a] such date [specified by] as the Secretary, after giving due consideration to the factors enumerated in subsection (h), shall specify in that order, which shall be no sooner than one hundred and eighty days nor later than two years from the date on which the standard is issued, except that for good cause shown the Secretary may specify a later effective date. No State or local government law, regulation, or ordinance shall establish a safety standard for a motor vehicle or item of motor vehicle equipment which differs from [in interstate commerce if] a Federal motor vehicle safety standard issued by the Secretary in conformance with the provisions of this title [is in effect] with respect to that motor vehicle or item of motor vehicle equipment; and any such law, regulation, or ordinance purporting to establish such different safety standards and providing a penalty or punishment for an act of noncompliance therewith shall be null, void, and of no effect. However, nothing herein shall be construed to prevent a State or local government or the Federal Government from establishing requirements more stringent than a Federal motor vehicle safety standard for the exclusive purpose of its own procurement.

[(c)] (g) The Secretary, from time to time, [and subject to section 4 of the Administrative Procedure Act.] may by order amend or withdraw Federal motor vehicle safety standards issued under this section, *Provided, however,*

that the Secretary shall first advise the Vehicle Equipment Safety Commission of the proposed amendment or withdrawal, promptly publish in the Federal Register the reasons for his proposal, and request the Commission to act on such proposal within one hundred and eighty days from the date of the request or such longer or shorter time as the Secretary may specify as required in the public interest. If the Vehicle Equipment Safety Commission fails to act within the time specified, or acts by issuing an amendment or withdrawal, the Secretary may proceed by order to adopt such amendment or withdrawal, or such other amendment or withdrawal as he finds appropriate and necessary to accomplish the purposes of this Act.

Amendments or withdrawals shall be effective on the date specified by the Secretary in that order, which shall be no sooner than one hundred and eighty days nor later than one year from the date on which the amendment or withdrawal is issued, unless the Secretary finds, publishing his reasons therefor, that an earlier or later date is in the public interest.

(h) Manufacturers of motor vehicles, in formulating, evaluating, proposing and complying with motor vehicle safety standards under subsection (c), and the Secretary, in proposing and issuing orders establishing, amending, or withdrawing Federal motor vehicle safety standards under this section, shall be guided so far as practicable by the following criteria, and the Secretary shall include in each such order findings of fact with respect thereto:

(1) The benefit to be derived by any Federal motor vehicle safety standard should be clearly warranted in the light of all relevant factors.

(2) The standard should be consistent with the continuation or adoption by motor vehicle manufacturers of efficient designing, engineering, and manufacturing practices, and with innovation, progressiveness, and customary model changes in the automotive industry.

(3) The standard, the means of complying with the standard, and the methods of testing for compliance, should embody feasible devices and techniques that are available or can be made available in a reasonable time and at costs commensurate with the benefit to be achieved.

(4) The standard should be appropriate to the particular type of motor vehicle or motor vehicle equipment for which it is established.

(5) The standard should be made effective so as to allow adequate time for compliance, taking into account the time required for designing, engineering, tooling, and production.

(i) The Secretary, in proposing and issuing orders establishing, amending, or withdrawing Federal motor vehicle safety standards under this section, shall comply with the requirements of section 4 of the Administrative Procedure Act. He shall base each such order upon a fair evaluation of the entire record which is before him pursuant to such section 4, and he shall set forth in such order findings of fact and conclusions on all relevant matters.

JUDICIAL REVIEW OF ORDERS

SEC. 103. (a) (1) In a case of actual controversy as to the validity of any order of the Secretary under section 102, any person who will be adversely affected by such order when it is effective may at any time prior to the [forty-fifth] sixtieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have *exclusive* jurisdiction to *stay the order pending final determination of the review proceedings* and to affirm the order, or to set it aside in whole or in part, temporarily or permanently. The findings of the Secretary [as to the facts, if supported by substantial evidence, shall be conclusive.] with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record of the proceedings on which the Secretary based his order. The court shall not sustain the order of the Secretary if he failed to comply with any requirement imposed upon him by section 102.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action instituted under this subsection shall survive notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

(6) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(b) A certified copy of the transcript of the record and proceedings under this section shall be furnished by the Secretary to any interested party at his request, and payment of the costs thereof, and shall be admissible in any [criminal, libel for condemnation, exclusion of imports, or other] proceeding arising under or in respect to this title, irrespective of whether proceedings with respect to the order have previously been instituted or become final under subsection (a).

RESEARCH, TESTING, AND DEVELOPMENT

SEC. 104. The Secretary, in cooperation with the *Vehicle Equipment Safety Commission, the States, industry, and other departments and agencies* as provided in sections [113], 105 and 112, is authorized to undertake appropriate research, testing, and development for motor vehicle safety and motor vehicle safety standards to accomplish the purposes of this title and, in exercising this authority, may perform the following functions:

(a) gathering or collecting existing data from any source for the purpose of determining the relationship between motor vehicle or motor vehicle equipment performance characteristics and (1) accidents involving motor vehicles, and (2) the occurrence of death, or personal injury [or property damage] resulting from such accidents;

(b) contracting for the fabrication of or directly purchasing, notwithstanding any other provision of law, motor vehicles or motor vehicle equipment for research and testing purposes, and the testing of motor vehicles and motor vehicle equipment to accomplish the purposes of this title, even though such tests may damage or destroy the vehicles or equipment being tested;

(c) selling or otherwise disposing of motor vehicles or motor vehicle equipment tested pursuant to subsection (b), notwithstanding any other provision of law, and reimbursing the proceeds of such sale or disposal into the appropriation or fund current and available for the purpose of carrying out this title: *Provided*, That motor vehicles and motor vehicle equipment which have been rendered irreparably unsafe for use on the highways, by testing pursuant to subsection (b), shall be sold or disposed of in a manner insuring that they shall not be used on the highways or on vehicles for use on the highways;

(d) performing or having performed all research, development and information gathering and disseminating activities necessary and appropriate for motor vehicle safety and motor vehicle safety standards, and purchasing or acquiring equipment and facilities related thereto, or fabricating needed motor vehicle equipment to accomplish the purposes of this title, including—

(1) relating motor vehicle and motor vehicle equipment performance characteristics to motor vehicle safety;

(2) determining the effects of wear and use of motor vehicles and motor vehicle equipment upon motor vehicle safety;

(3) evaluating and developing methods and equipment for testing, inspecting and determining safety of motor vehicles and motor vehicle equipment;

(4) evaluating and developing methods and equipment for determining adequacy of motor vehicle safety standards and, compliance of motor vehicles with motor vehicle safety standards; and

(5) developing appropriate motor vehicle safety standards; and *the Secretary shall make available to the Vehicle Equipment Safety Commission and to manufacturers of motor vehicles full reports with respect to all research carried on under this title; and*

(e) awarding grants to State or interstate agencies, *including the Vehicle Equipment Safety Commission*, and nonprofit institutions for performance of activities authorized in this section.

COOPERATION

SEC. 105. In addition to such advisory authority as the Secretary otherwise may exercise, he is authorized to advise, assist, cooperate with, or enter into cooperative agreements with and receive and expend funds made available thereunder by Federal agencies, State or other public agencies [.] *(including the Vehicle Equipment Safety Commission)*, businesses *(including manufacturers of motor vehicles and motor vehicle equipment)*, universities or other institutions in the planning or development of:

- (a) motor vehicle safety standards;
- (b) methods for inspecting or testing under motor vehicle safety standards;
- (c) motor vehicle and motor vehicle equipment test methods and test equipment.

TRAINING

SEC. 106. (a) The Secretary is authorized to train, or establish training programs for, personnel of Federal agencies, State or other public agencies or institutions [.] *(including the Vehicle Equipment Safety Commission)*, private firms and private institutions by grants to or contracts with such agencies, firms or institutions for the purpose of achieving motor vehicle safety as provided in this title. He may receive and expend funds made available under a cooperative agreement or utilize motor vehicles or motor vehicle equipment furnished thereunder for training purposes. Such training may include:

- (1) interpreting and applying motor vehicle safety standards;
- (2) using test methods and test equipment;
- (3) Testing and inspecting motor vehicles and motor vehicle equipment to determine motor vehicle safety; or
- (4) such other training as may be necessary to carry out this title.

(b) The Secretary may purchase, use and dispose of motor vehicles or motor vehicle equipment for use, other than for purposes of transportation, in the training authorized by subsection (a), under the same authority, and subject to the same conditions, as provided in section 104.

PROHIBITED ACTS

SEC. 107. (a) No person shall—

(1) *knowingly and willfully* manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or item of motor vehicle equipment manufactured on or after the date any applicable Federal motor vehicle safety standard takes effect under this title *which [unless it] is not in conformity with such standard as prescribed or amended by the Secretary pursuant to section 102 except as provided in subsection (b) of this section;*

or

(2) fail or refuse [Access to or copying of records, or fail] to make reports or provide information, as required under section [111] 110(b); or

(3) *issue a certificate, to the effect that such person believes a motor vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards, if such person knows or has reason to know that such certificate is false or misleading in a material respect.*

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any motor vehicle or motor vehicle equipment after the first purchase of it in good faith for purposes other than resale, *or theretofore to any person who*

holds a certificate issued by the manufacturer or importer of such motor vehicle or motor vehicle equipment, to the effect that such vehicle or equipment is believed to conform to all applicable Federal motor vehicle safety standards, unless such persons know or has reason to know that such vehicle or equipment does not so conform.

(2) A motor vehicle or item of motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such motor vehicle or item of motor vehicle equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or item of motor vehicle equipment will be brought into conformity with any applicable Federal motor vehicle safety standard prescribed under this title, or will be exported or abandoned to the United States.

(3) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any motor vehicle or item of motor vehicle equipment, after the first purchase of it in good faith for purposes other than resale, notwithstanding paragraph (2) of this subsection.

(4) Paragraph (1) of subsection (a) shall not apply in the case of a motor vehicle or item of motor vehicle equipment intended solely for export, and so labeled or tagged on the vehicle or item itself and on the outside of the container, if any.

(c) *Nothing in this title shall be construed as requiring the Secretary to report for imposition of a civil penalty or for the institution of injunction proceedings minor violations of this title whenever he believes that the public interest will be adequately served by a suitable written notice or warning to the persons committing such minor violations.*

CIVIL PENALTY

SEC. 108. (a) Whoever violates any provision of section 107, or any regulation issued thereunder, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation **[.]**, or \$100,000 for any related series of violations.

[Such violation of a provision of section 107 or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby.]

(b) Any such civil penalty may be compromised by the Secretary. The amount of such penalty, when finally determined **[.]** by the court having jurisdiction and venue of the collection proceeding, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

JURISDICTION ; INJUNCTION

SEC. 109. (a) *Before any violation of this title is reported by the Secretary to the Attorney General or any United States attorney for institution of an injunction proceeding authorized by this section: (1) the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding, and (2) except where knowing and willful conduct is involved, such person shall also be given a reasonable opportunity to take corrective measures to achieve compliance.*

(b) *Subject to the provisions of subsection (a), **[a] t**he United States district courts and the United States courts of the Commonwealth of Puerto Rico and the territories and possessions shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title upon petition by the appropriate United States Attorney or the Attorney General on behalf of the United States.*

[(b)] (c) In any proceeding for criminal contempt for violation of an order, injunction or restraining order issued under this section, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

[(c)] (d) In all libel or injunction proceedings for the enforcement or to restrain violations of this title, subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

INSPECTION AND TESTING FOR COMPLIANCE; [RECORDS AND] REPORTS AND INFORMATION

SEC. [111] 110. (a) The Secretary is authorized to conduct such testing and inspection as he deems necessary to aid in the enforcement of Federal vehicle safety standards issued and in effect under this title and shall furnish the Attorney General and, when appropriate[d], the Secretary of the Treasury any information obtained and test results indicating noncompliance with such standards, for appropriate enforcement or customs action.

(b) Every manufacturer of motor vehicles and motor vehicle equipment shall [establish and maintain such records,] make such reports, and provide such pertinent information in its possession as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and motor vehicle safety standards prescribed pursuant to this title [and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents.]

(c) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (b) which information contains or relates to a trade secret or other matters referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act when relevant in any proceeding under this Act.

BRAKE FLUID AND SEAT BELT STANDARDS

SEC. [112] 111. (a) Public Law 87-637 (Act of September 5, 1962, 76 Stat. 437, 15 U.S.C. 1301-1303), and Public Law 88-201 (Act of December 13, 1963, 77 Stat. 361, 15 U.S.C. 1321-1323) are hereby repealed. Any rights or liabilities now existing under Public Laws 87-637 and 88-201 shall not be affected by this repeal.

(b) Standards issued under the laws repealed in this section shall continue in full effect and may be amended as if they had been effectively issued as Federal standards pursuant to section 102. Such standards shall, after enactment of this Act, be subject to the enforcement and all other provisions of this title.

AVOIDANCE OF DUPLICATION

SEC. [113] 112. The Secretary, in exercising the authority under this Act, shall utilize the services, research and testing facilities of other departments and public and competent private agencies to the maximum extent practicable in order to avoid duplication in facilities and services operated by the departments and agencies.

REGULATIONS

SEC. [114] 113. The Secretary is authorized to issue, amend and withdraw such procedural rules and regulations as he may find necessary or appropriate to carrying out the provisions of this Act.

PATENTS

SEC. 114. If in any civil action for infringement of a patent of the United States, or for declaratory judgment involving such patent, the infringer shall establish that some part or all of the alleged infringement was the necessary consequence of compliance with a Federal motor vehicle safety standard, relief in such action, to the extent of such infringement, shall be confined to a reasonable royalty for making, using, or selling the patented invention in lieu of all relief otherwise provided by the law.

APPROPRIATIONS

SEC. 115. There is authorized to be appropriated, from the highway trust fund, for the purpose of carrying out the provisions of this title, not to exceed \$3,000,000 for fiscal year 1967, \$6,000,000 for fiscal year 1968, and \$9,000,000

for each of the fiscal years 1969, 1970, 1971, and 1972 and funds appropriated under this authority shall remain available until expended.

Mr. NELSEN. Mr. Chairman, may I submit a brief statement with reference to the point I was referring to earlier?

Mr. KORNEGAY (presiding). Without objection, it will be entered into the record at this point.

Mr. MACKAY. Mr. Chairman, how long will the record remain open? There are several people who are interested in that information.

Mr. KORNEGAY. Five days.

Mr. MACKAY. Thank you.

(Mr. Nelsen's statement follows:)

STATEMENT OF HON. ANCHER NELSEN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF MINNESOTA

Mr. Chairman, we have heard some excellent testimony from many interested individuals and groups in respect to the establishment of safety standards for motor vehicles in interstate commerce. While these statements have been illuminating, there is one aspect of highway safety which has not received adequate airing. That is the promising area of using improved traffic signs and markings and the related safety markings for automobiles and pedestrians as a means of reducing accidents.

Much has already been accomplished in the effective use of traffic signs and markings. "No passing zone" signs reduced arrests for improper passing by 63% in the State of Iowa. Delineators along roadsides reduced the night accident rate 28% and 39% on two test locations in Michigan and 57% and 67% in two Virginia tests. "Yield" signs reduced right angle accidents 62% in 979 locations in Detroit.

These signs and markings contribute to smoother traffic flow, increased convenience and comfort by reducing erratic maneuvers and increasing the traffic carrying capacity of our already existing roads.

As we put more and more cars on an expanding network of highways, it is disturbing to note that of the approximately 50 million traffic signs along the Nation's highways, as many as 40% may be out of date and misleading. This is as unnecessary as it is dangerous.

During the past few years, private industry has developed the following improvements in traffic signs and markings:

Brighter daytime colors have been developed.

Brighter pavement markings have been developed.

Pavement markings which produce a warning sound have been developed.

Pavement markings which reflect when wet have been developed.

Colored reflective pavement markings have been developed.

In several tests in which these improvements have been used the results have been encouraging. Two tests conducted by the Michigan Highway Department showed that color coding of pavement markings and delineators can decrease erratic driving maneuvers by 33 to 38 percent. In a Yale University study, it was discovered that color coding pavement markings and delineators at interchanges gave drivers knowledge of exist locations equal to that in daytime or with the roadway illuminated. In Indiana, it was proved that the use of fluorescent school signs reduced the average speed in school zones by 5 to 7 miles per hour.

These improvements should be incorporated into the Manual on Uniform Traffic Control Devices for Streets and Highways, which will be the standard used by the Secretary of Commerce and the Bureau of Public Roads on Federal aid roads by December 31, 1968. In addition to insuring the use of these technological advances on Federal aid roads, the resulting improved safety records would serve to encourage state and local governments to adopt the improvements for the non-Federal aid roads. The example needs to be established since 13.9 percent of the state roads and 81.8 percent of the county roads are not included under the Federal compliance standards.

The effectiveness of improved highway markings is shown by comparing the injury accident rate on the generally better marked state primary roads with the rate on the poorly marked rural or secondary roads. The injury accident

rate on the rural roads is 164.8 per 100 million miles of travel while the rate on the primary roads is 90.4 per 100 million miles. This ratio of nearly 2 to 1 indicates strongly that highway signs and markings are important factors in traffic safety.

At the same time, we should consider the advisability of promoting portable, easily recognized safety signs to warn oncoming motorists of disabled automobiles on the roadside. I am sure that we have all had some experiences with this hazard, and we cannot forget the circumstances surrounding the tragic death of our colleague, T. Ashton Thompson, in a roadside accident. There are approximately 65 million calls for assistance annually for roadside aid. It is estimated that when the Interstate System is completed, there will be some 10 million such calls per year on these roads alone. Every one of these disabled vehicles represents a potential tragedy.

Nearly 40 nations now either authorize or require the use of a portable sign or unique triangular shape to identify stalled automobiles on or adjacent to roadways. We should take steps to follow this sensible practice.

In closing I might mention the possibility of similar identifying reflectors for the protection of nighttime pedestrians. Nearly 18% of the traffic deaths are pedestrians and 54% of these accidents occur at night when pedestrian traffic is much lighter. A wide variety of lights and reflectors are available now which can be carried, attached, or woven into clothing. Several European nations have made widespread use of such means to protect their pedestrians.

Mr. Chairman, certain aspects of these hearings have received wide publicity and that is all to the good. Any public discussion of highway safety is certain to lead to greater public awareness of the problem. Thank you for this opportunity to call attention to these suggestions to enlarge the scope of our study. The wisdom and common sense of these advances have been proved in test after test. If Federal dollars are to be spent on our Federal aid highway system, part of these funds would appear well used for such safety devices proved effective in reducing accidents.

Mr. KORNEGAY. Our next witnesses represent the Automotive Service Industry Association, Mr. Halfpenny and Mr. Collins.

STATEMENTS OF HAROLD T. HALFPENNY, ATTORNEY, CHICAGO, ILL., APPEARING IN BEHALF OF THE AUTOMOTIVE SERVICE INDUSTRY ASSOCIATION, INDEPENDENT GARAGE OWNERS OF AMERICA, INC., AND THE NATIONAL CONGRESS OF PETROLEUM RETAILERS; AND HARKER COLLINS, VICE PRESIDENT, GROTE MANUFACTURING CO., MADISON, IND., AND CHAIRMAN OF SAFETY COMMITTEE AND MANUFACTURERS' BOARD OF DIRECTORS OF THE AUTOMOTIVE SERVICE INDUSTRY ASSOCIATION

Mr. HALFPENNY. Mr. Chairman, my name is Harold T. Halfpenny, I am an attorney with offices at 111 West Washington Street, Chicago, Ill. I am here today representing three national trade associations: Automobile Service Industry Association, Independent Garage Owners of America, Inc., and the National Congress of Petroleum Retailers.

My statement dated May 4, 1966, has been filed with this committee, and I ask that it be made part of the record. Although I did not testify on that date, I was present at the hearings, and questions asked by members of the committee at that time, in addition to the accounts I have read of the testimony of other witnesses, has led to a modification of my views as expressed in the statement dated May 4.

I am accordingly asking that my present statement be incorporated into the record as supplementary to the original statement.

In that statement I described the membership of the three associations I represent today. You will note that they are all intimately concerned with the future of the automotive industry: ASIA members manufacture and distribute component automotive parts, both for original equipment and for replacement; members of the Independent Garage Owners and the Petroleum Retailers install these parts for the motorist. Together, they represent industries including hundreds of thousands of small businesses in all parts of the country.

As I pointed out in my statement dated May 4, the automotive replacement market is an \$8 billion industry, serviced by more than a thousand manufacturers who supply an infinite variety of parts and accessories to all parts of the country through a nationwide web of wholesalers.

To this I may add the comment that there are more than 15,000 parts in each automobile, and a tremendous variety of makes and models for which the parts vary. It is hard to imagine the complexity of the system which distributes these parts for ready availability at all parts of the United States.

The small businesses which accomplish this near-miracle have frequently found themselves at odds with the vehicle manufacturers, on whom they are to some extent dependent. ASIA manufacturers sell original equipment parts to the vehicle manufacturers; at the same time, they compete with those manufacturers in the sale of replacement parts, while ASIA wholesalers compete with franchised dealers. The independent garagemen and the gasoline retailers both compete with franchised dealers in the repair business.

This competition is very unequal, with the independents at a severe disadvantage which is imposed not only by the tremendous economic power of the vehicle manufacturers, but also by the law itself.

For example, the independent garagemen feel that economic power when (as recent testimony before Congress has pointed out) their only source of supply for sheet metal body parts is the franchised dealer, who sells to the independents at a higher price than he pays the vehicle manufacturer.

The plea of the independents for direct sale by the manufacturer to them at a competitive price has fallen on deaf ears. ASIA members recognize the same economic power when they find that after they have invented, invested in, and produced a really valuable part, the vehicle manufacturers decide to make it themselves. And General Motors, Ford, and Chrysler have during the last decade been increasingly active in the manufacture and distribution of replacement parts.

The independents are handicapped not only by these natural disadvantages related to size, but by further impediments imposed by the law itself. For example, the automotive wholesalers, the independent garagemen, and the petroleum dealers are hindered in their competition with the franchised car dealers by a provision of the wage and hour law of 1961, which exempted automobile dealers from the requirements of that act.

The independent parts manufacturers are at a disadvantage by reason of last year's Canadian tariff legislation, which gave the major vehicle manufacturers a considerable advantage in the form of tariff

privileges which allow them to dictate the place of manufacture (as between Canada and the United States) of many automotive parts.

While this has been a brief summary, it will serve as a background for the points which I now ask you to consider: First, the independent manufactures, distributors, and installers of parts are not at all related to the Big Four, and are in fact in competition with them.

Second, the automotive replacement market is a highly complex industry in itself. These facts should in themselves dictate that this industry should not be included in legislation aimed at the vehicle manufacturing industry. Thus the vehicle manufacturers have asked that the Secretary be required to consult industry sources in making standards.

We know from sad experience that they do not intend that the independents have anything to say in the matter, and that in fact the desire to take over the replacement market may have dictated their sudden change of attitude toward Federal legislation.

In any event, it is respectfully suggested that neither this committee nor its Senate counterpart has given serious consideration to replacement parts; the testimony has been principally related to the design and interior fitting of the vehicle. This preoccupation is reflected in section 101(a) of the bill, which defines "motor vehicle safety" as protecting the public "against unreasonable risk of accidents occurring as a result of the design of motor vehicles."

In this connection, it should be mentioned that while "design" may play a part in "second collision" injuries if we are talking only about the body of the vehicle, that word has little meaning when applied to the safety of most replacement parts.

To include replacement parts in the proposed legislation would increase the complexity of administration to an astronomical degree. To ask one department to become expert in the field of motor vehicle design is in itself asking the almost impossible; to add to that the requirement that the same department investigate and set standards for the myriad replacement parts involved would make a nightmare of the undertaking.

We express no opinion as to whether or not safety requires changes in the design of motor vehicle bodies; and we have no present opinion as to whether changes are required in any replacement parts. This proposed legislation was circulated only recently to our industry, so that neither we (nor, we submit, this committee) has had time to consider the matter.

However, we can say, emphatically, that should Federal regulation of replacement parts become necessary, that action should be taken only after a careful study of the replacement industry itself, and should not be the side result of legislation which is really concerned only with the design of the body of the vehicle.

We feel our testimony is in a field that has not been given consideration because it is of utmost importance to all of us and affects so many industries.

I would like to advise that last week we were to testify and this committee was kind enough to put us over until today. At that time we had with us Mr. James McGovern, Jr., from Raybestos Manhattan, Bridgeport, Conn., in the friction material field, and their chief engi-

neer, Mr. Ronald Moalli. Other commitments prevent them from being here today. In fact, they are at the Indianapolis testing where many of these things are tested.

I would like to insert into the record Mr. McGovern's statement, if I may.

Mr. KORNEGAY. Without objection, it is so ordered.

(The statement referred to follows:)

STATEMENT OF JAMES L. MCGOVERN, JR.

My name is James L. McGovern, Jr., Sales Manager, Raybestos Division of Raybestos Manhattan, Inc. of Bridgeport, Connecticut. I am appearing before this Committee today representing the Automotive Service Industry Association. I am a past director of A.S.I.A. and a past president of the Friction Material Standards Institute. With me today is Mr. Ronald Moalli, Chief Engineer of the Raybestos Division, who is available to help answer any questions which come from the Committee.

There are many parts of a motor vehicle which are vital to safety. Everyone can agree that brakes to arrest the motion of the vehicle is one of the most vital and an effective braking system is absolutely essential to safe operations under all conditions. My statement today concerns brake linings which my company manufactures.

It would appear, from what I have read of the safety hearings in Washington, that a great deal of emphasis has been placed on the design of the new cars as manufactured by Detroit. If motor vehicle accident statistics were analyzed as to the condition of the motor vehicle involved in the accidents, would we not find that most of the cars involved were poorly kept and were basically old? Therefore, is it reasonable to assume that the condition of the vehicle is as great a factor in the highway safety problem as the engineering design of a new car?

Highway safety seems to be where you find it. On the way to work the other morning, I noticed that during one of the infrequent rain falls that we have in Connecticut, as I was turning my car on to a populated highway, I crossed a paint strip in the road. The rear wheels broke traction. This caused me to wonder, while continuing on my way, just whether or not this could be a problem. It wasn't too long after I was alongside of a car at a stop light and again I noticed this car pulled away, across the paint strip, and it also spun and actually moved slightly sideways. The driver paid no attention. Now, whereas this may not be a severe or critical item, I can only recall a comment of a public official that said, if we can save five lives in this country, we should make every attempt to do so. Is there a specification on the paint that is used on the public highways today? I wonder about that now. The highway safety program is extensive and can cover many facets. While not professing to be a judge of all the facets of highway safety, we are concerned with basically one of the more important and more recognized facets, brakes and brake linings.

If I were to pose a question, such as what are safe standards for brake linings, I am certain that nobody can clearly define a safe standard and substantiate it with accurate data.

The answer that we are looking for is the establishment of a code which will clearly define safe performance standards. This code should not vary from state to state, nor vehicle to vehicle. Safety is a result of a series of actions and reactions and circumstances and conditions.

The Society of Automotive Engineers had established a road test procedure wherein brake linings and brake systems could be evaluated. This required many years of study since the meetings are only held twice or three times a year. Under the press of state legislators and officials, S.A.E. continued to establish some limits of performances based on a procedure which they had written, and this took a much shorter period of time. The establishment of the limitations of results from the procedures that were written were not predicated on what constitutes a safe brake, but on the knowledge of the brake engineers sitting on that committee as to what they felt good brake performance should be. As an example, there is a portion of that test which has as its stipulation or limit the capability of making a stop within two city blocks from rather low speeds. Now, I ask you as to whether or not this could ever be considered a safe stop? Getting back to the idea that safety is a result of a series of circumstances and occurrences, etc., the historical brake safety codes were a test of brakes and

brake systems only under one condition. Brakes may never be troublesome under that one condition, but under another set of circumstances can create havoc, as you sometimes read about in your local papers wherein vehicles run through crowds of people because of a brake failure or brake system failure.

The aftermarket requires much more attention than the new design. Reputable manufacturers in the aftermarket are frequently specialists in that they concern themselves with only one small aspect of the automotive vehicle concerned. We can force new vehicles to be equipped with devices to reduce the smog problem in certain areas throughout the United States; yet, as a car accumulates a greater number of miles, the amount of smoke poured into the atmosphere to cause air impurities is greatly increased. Many car owners will not change a muffler or an exhaust pipe, as an example, until the system becomes a lethal weapon whereby exhaust fumes can wipe out all the passengers in a car during a winter snowstorm. People must be protected from themselves in the area of repair work on their own vehicles.

The subject of automobile inspection, while accepted in many states, is not uniform throughout the country. A bona fide research program sponsored by the government, should be set up in cooperation with industry experts to establish performance standards for the various components of automobiles that should be inspected at regular intervals. The reason for suggesting that the industry experts be included in this program is to prevent repetitive research on those subjects which have already been evaluated by the industry. There should not be any influence imposed upon this research by the industry except to use their knowledge and background in the establishment of a proper program.

As an example, the Raybestos Division of Raybestos-Manhattan, Incorporated maintains a fleet of 26 test vehicles. These vehicles are used to develop and test brake products sold for new equipment and in the aftermarket. To keep ahead of the demand as established by the motoring public, a manufacturer, such as Raybestos, will endeavor to test prototype brakes long before they are introduced in the sales rooms throughout the country. As an example, we tested the disc brake, which has gained a great deal of acceptance in recent years, at least 2½ years before they were introduced on certain American cars. Our products and conclusions are frequently different than those offered by the original equipment people because the standard for brake performance established by the Raybestos replacement market differs from that which has been established by the original equipment manufacturer. When Raybestos replacement products are ready to be installed on a car, the front end has experienced a great deal of wear, parts are frequently dirty, drums and rotors are scored, and we do suggest replacing those parts when beyond certain tolerances. One should expect brake performance under those circumstances to be somewhat different than when the vehicle is brand new. We feel that the brake lining products produced by Raybestos for the replacement market are better than the original equipment products because they are capable of satisfying the conditions that exist in the replacement market. For example, the original equipment manufacturer may predicate his selection of brake linings on high temperature performance, whereas the aftermarket supplier may be interested not alone in high temperature performance, but also long life and noise free considerations to meet special conditions. At this time, the best engineers would disagree as to one brake lining being considered safer than another.

So we find an industry without standards. Car engineers set up certain test procedures for brake linings for their particular vehicle—which may be different from those test procedures required by another vehicle manufacturer. The same is true of the aftermarket. No two aftermarket manufacturers agree in total on the same test procedures for arriving at a friction material performance standard.

Now, Raybestos, with its 26 cars are continually running tests, using a great variety of conditions to establish and define whether or not brake lining is satisfactory. As an example of its diversified testing, we have recently run tests through the canyons north of Los Angeles down into the city and thruways of Los Angeles, then back up to run the severest tests through the mountains just west of Death Valley and into Death Valley where the ambient temperatures are quite high. Recently we acquired an official test track in the Pocono Mountain area in Pennsylvania to run high-speed performance tests on brakes, along with our established city driving tests and open country driving tests in Connecticut.

The performance of brake lining must meet certain standards established historically at Raybestos. We insist on certain qualities in brake lining. This

can only be predicated on our past experience and knowledge. We are certain that our requirements have meaning.

Conditions in car testing are often exaggerated. In order to simulate a very long car life brake test, weights are often increased, speeds are often increased, the severity with which you do a job is often increased to cut the life of the test down from 4 or 5 years to 4 or 5 days. On a track brake stops are made from speeds far in excess of any permissible speeds on the highways and byways of this land of ours. Of course, we feel that we are a reputable manufacturer and do everything in our power to build safety into our products to satisfy every condition that may be encountered by the motorist.

Large manufacturing companies usually have a large product line. Small manufacturing companies usually have a small product line. Consequently, the testing in the future will be hopefully balanced by the number of products produced by any one manufacturer.

The ever present danger of establishment of standards is that there is a definite tendency to stifle the research and development that may go on for a particular part. If we, as a manufacturer, are to have something approved for use on a particular application, it would seem foolish in the future to do much research and development work on that part if it has once been established that the part is acceptable by the standards existing at that time. If possible, the improvement of the product should not be penalized in the establishment of safety standards.

In considering materials for the aftermarket, we know of certain problems that will occur in the repair field that will never be found in the original equipment field. For instance, a brake drum may be severely scored, and we do know that a great percentage of the brake drums will never be turned to resurface the drum. Consequently, if new linings are installed, they will be in contact with ridges and high points in the drum and can cause quite erratic braking action. Consequently, linings that are manufactured for the replacement market are made so that they will quickly seat into the drums even if there are some slight irregularities in the brakedrum surface. Formulations are developed so as to wear rapidly initially, and then settle down to a uniform low wear rate after this initial burnishing. In some of these programs, we find that these problems are most difficult to solve in the replacement market since any friction material must meet a multitude of situations. Just as every original equipment manufacturer does not maintain a uniform testing procedure or testing standards so it is with the aftermarket brake lining manufacturer. Our company will not necessarily agree with the standard established by another company.

Which brings us to our request to your Committee—that in your deliberations you consider the setting up of federal performance standards on friction material—in collaboration with industry leaders. Already, three states have passed laws covering specifications for brake lining.

New York state was the first and its law became operative January 1, 1966.

Pennsylvania's law is effective January 1, 1967, as is the State of Massachusetts. Already the brake lining industry has run into chaos.

The regulations implementing the law in New York State are entirely different than the regulations proposed to implement the law in Pennsylvania.

Massachusetts has not announced their regulations yet, but they could be still different, as could the other 47 states of the Union.

We believe that industry members, who have grappled with the problem of providing a safe brake lining to stop the 80,000,000 vehicles on the highways, based on their laboratory, dynamometer and test fleet knowledge, could prove helpful to the government in an advisory capacity in proscribing a minimum federal performance standard for brake lining, that would become law in all 50 states, and permit the friction material industry to continue their constructive research and development programs, to build safer products than any minimum requirement so proscribed.

May I express my appreciation for the opportunity afforded to submit this statement. Mr. Moalli and I will be happy to answer any question you may have.

Mr. HALPENNY. I would like to point out that any legislation that Congress is considering does not merely affect the four vehicle manufacturers, but the thousands of small manufacturers, suppliers of component parts, and the hundreds of thousands of small businessmen servicing such vehicles.

I want to call attention of this committee that the so-called vehicle manufacturers actually are only assemblers of over 14,000 components and parts manufactured and supplied by some 30,000 small business concerns.

I want to point out that history shows that the independent manufacturers in the automotive service industry have been the creators and inventors of most of the important improvements in safety devices on the automobile.

Also, before we end, I want to mention that the vehicle manufacturers are also engaged in manufacturing and distributing replacement parts in competition with our long-established distributors and manufacturers.

We in the independent field take pride in the fact that our products have met this competition and we can justly claim that our products are not only comparable to the vehicle manufacturer's, but many times better than the vehicle manufacturer's. I want to point out that this bill covers replacement parts. That is our concern.

With that preliminary, I would like to have Mr. Harker Collins, of the Grote Manufacturing Co. of Madison, Ind., who is chairman of our manufacturers' board of directors of the Automotive Service Industry, and the chairman of the safety committee of the Automotive Safety Industry, which has cooperated and worked throughout the United States on safety for a number of years, testify.

Mr. KORNEGAY. You may proceed.

Mr. COLLINS. Mr. Chairman and members of the committee, my name is Harker Collins. I am vice president of the Grote Manufacturing Co., with corporate headquarters in Madison, Ind. Our company manufactures lamps, mirrors, turn signals, switches, flares, emergency lighting, lenses, and other related automotive products which are sold throughout the 50 States, the U.S. territories and numerous foreign countries.

Our products are sold as replacement parts through hundreds of warehouse distributors who in turn distribute them through thousands of wholesalers who in turn supply many more thousands of service outlets, dealers, fleets, body rebuilders, and others.

Our products are also sold as original equipment components to over 725 manufacturers of some type of vehicle.

I am also chairman of both the safety committee and the manufacturers' board of directors of the Automotive Service Industry Association and it is these capacities in which I am here today.

But there was a good reason for my going into a brief description of how we market our products because in the Automotive Service Industry Association there are represented 1,000 automotive parts manufacturers, warehouse distributors, and parts rebuilders along with 5,000 major wholesale firms, and the great majority of our member firms are engaged in equally complex distribution and redistribution of what adds up to hundreds of thousands of different products through and to some 30,000 jobbers, 200,000 garages and service stations, 1,700 vehicle manufacturers, and over 100,000 fleets.

The American independent automotive industry is a giant complex that owes its multibillion dollar size to two main factors. First, it manufactures, distributes and has readily available the great majority

of the replacement parts the American drivers use and need to be quickly on the go again when their cars, trucks, trailers, and buses break down.

Too few people will appreciate what it takes to serve the motoring public in this way.

Secondly, the independent manufacturer makes and supplies to the vehicle manufacturers the large majority of the parts which they in turn assemble into the finished vehicles.

Therefore, we urge that the effect on the very important segment of the economy that we represent, along with its tremendous benefit to the motoring public, not be overlooked in the commendable zeal to reduce the highway slaughter.

Because of the four major manufacturers of vehicles are so large and are in a position to spend millions upon millions of dollars every year advertising and promoting the sale of their vehicles they are normally thought of as "the automotive industry." But, there is far more to this industry than the "Big Four."

And it is the very size of the Big Four and the image they have created as "the industry" that concerns us most. They are in a position to maintain the staffs to exert great influence wherever it is to their advantage to do so.

We couldn't help but note their testimony recently wanting to form a blue ribbon safety board, and made up of the presidents of the Big Four.

Consequently, any legislation that leaves the matter of automotive standards to the discretion of a single individual, no matter how capable or well intentioned, would be inherently dangerous. In any legislation that is passed by the Congress we feel that the wording should not only call for performance standards but should specifically forbid the adoption of design standards of any kind.

Equally important, the final judgment on the adoption of performance standards should be in the hands of a commission of at least five members, or at the very least, should be reviewed by an advisory board made up of knowledgeable persons from all affected sectors including both the independent manufacturers and the independent wholesalers.

And, most important of all, this commission or board must be directed to promulgate all proposed standards to all interested parties for comments and hearings should be held when an important controversy results. Once a standard is adopted it must again be promulgated to all concerned and adequate time, which would vary, must be allowed for design, tooling, production and the submittal of products for testing and approval before the standard goes into effect.

If these safeguards are not written into the legislation, we can almost surely foresee two major problems ahead for us.

First, the approved designs and devices of the Big Four would become the only accepted products due both to the influence they can exert and due to the sheer magnitude of the standards load and the inability of the department to process the variations and testing from others on a timely basis. Unable to afford the loss of marketing time and sales, the independent manufacturer would be turned into a copier and his great ingenuity and engineering talent would be lost.

Perhaps, again, it is not popularly known that most of the safety devices we have today were developed by the independent manufacturer and only accepted by the vehicle manufacturer after the efforts of the independent made them popular. Such items include seat belts, hazard warning switches, and, earlier, such items as bumpers, windshields, windshield wipers, horns, mufflers, turn signals, warning flares, and hundreds of others.

In fact, except for styling, and horsepower, the evolution of the vehicle has emanated from the free competition between independent parts manufacturers.

Fail to provide the minimum safeguards we request and not only will the benefit from the research and development of the independent manufacturer be lost but the manufacturing volume represented by individual accepted designs will be such as to attract the tremendous capital resources of the major vehicle manufacturers in their production.

Literally hundreds of small manufacturers could be put out of business or forced to sell at prices which would make them wish they could get out. And, of course, the danger would be magnified by the possibility of design patents creating monopolistic situations.

Thirty thousand independent automotive replacement parts wholesalers would be equally affected. They would no longer be able to build a business on providing better quality or improved design over the original equipment. They would be forced into a losing battle against the competitive advantages that would be available to the vehicle manufacturers' controlled distribution.

In short, without proper written safeguards, legislation conceived to force higher safety standards on the automotive industry could easily prove to be the biggest boon the major vehicle manufacturers have ever received.

As far as the intent of the proposed legislation and the desire to provide greater motoring safety, there is no group that has worked harder for automotive safety than the Automotive Service Industry Association.

I mentioned earlier that I was both chairman of our safety committee and our manufacturers' board of directors. The combination of these two positions is no coincidence. My election as their chairman by our manufacturers grew out of the work of the safety committee for which I was awarded the 1965 industry leadership award and is indicative of the importance our membership places on safety.

In addition to our national safety committee, the Automotive Service Industry Association has safety chairmen and committees in each of the States whose efforts I direct through our staff in Chicago. Our association has spent thousands of man-hours and dollars in compiling safety information, preparing films, booklets, pamphlets, and so forth, to educate the public and assist the automotive trade in promulgating the importance of safety in many aspects.

A few years ago, we came to the conclusion that perhaps the single largest cause of traffic deaths, and certainly the one with which we as an organization could most effectively deal, was the mechanical failure due to worn, broken, or defective parts. We had long supported periodic motor vehicle inspection, and in this pursuit, we had compiled from numerous sources factual statistics bearing on the subject, from

which we printed this booklet entitled "The Reasons for Periodic Motor Vehicle Inspection" of which we have made thousands of copies available to various government and private organizations and individuals.

I brought a supply of them today for the committee if they would like to have them.

The CHAIRMAN. I am sorry, but the committee will have to suspend at this point. We have a bill on the floor and we must go to the floor. Could you return at 2:30?

Mr. COLLINS. Yes, sir.

The CHAIRMAN. We will continue our hearings at that point.

The committee will stand in recess until 2:30 this afternoon.

(Whereupon, at 12:03 p.m., the committee recessed, to reconvene at 2:30 p.m. the same day.)

AFTER RECESS

(The committee reconvened at 4:10 p.m.)

Mr. DINGELL (presiding). The committee will come to order.

STATEMENTS OF HAROLD T. HALFPENNY AND HARKER COLLINS—

Resumed

Mr. DINGELL. Previous to recess, the committee was hearing from Mr. Halfpenny and Mr. Collins.

You may proceed as you wish, gentlemen.

First, the record will show, for purposes of taking testimony, that the committee has a quorum.

You may proceed.

Mr. COLLINS. Mr. Chairman, I had just completed that portion of my testimony in which the automotive service industry requested, first, that any legislation not only specify performance standards only but actually forbid design standards; and second, that the setting of standards be administered by a commission or subject to the approval of an advisory board. We have two additional recommendations.

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A few years ago, we came to the conclusion that perhaps the single largest cause of traffic deaths, and certainly the one with which we as an organization could most effectively deal, was the mechanical failure due to worn, broken, or defective parts.

We had long supported periodic motor vehicle inspection, and in this pursuit, we had compiled from numerous sources factual statistics bearing on the subject, from which we printed this booklet entitled "The Reasons for Periodic Motor Vehicle Inspection" of which we have made thousands of copies available to various government and private organizations and individuals.

An analysis of our evidence brought us to the conclusion that we should concentrate our efforts on this one highly important aspect of safety, and the last few years we have done so.

Our work in this field leads us to feel that any Federal act on highway safety that did not specifically provide incentives to the States to enact and enforce periodic motor vehicle inspection legislation would be wholly inadequate.

In fact, we would go so far as to say that, while there is little doubt that vehicles can be designed and constructed with a greater amount of inherent safety, we feel strongly that the present emphasis on vehicle design is a classic case of putting the cart before the horse.

One of the saddest aspects of the traffic slaughter we are encountering today is the fact that there is so little understanding and proper use and maintenance of the wide range of safety features and devices already built in or available on today's vehicles.

It doesn't matter how many or how good the safety devices in a new vehicle are if they are not properly maintained. We are wholly in favor of strict, properly conceived performance standards, but some assurance must be provided that the devices are maintained in proper working order and kept up to these performance standards as long as the vehicle is in use.

Any machine or appliance will wear out with use, and if it is a household appliance or a piece of fixed equipment, the breakdown normally results in only lost time or inconvenience. But when the breakdown occurs in a vehicle at 60 or 70 miles an hour, the result is lost lives.

One-third of all fatal accidents involve only one vehicle. Due to the pressure of time and the need for clearing traffic, there isn't time to investigate the cause and the reporting officer usually lists it under the heading of "No Known Cause," "Car Went Out of Control," or something similar.

But investigations by some States and university teams show that somewhere between 8 and 50 percent of these fatalities are due to

mechanical failure. That is somewhere between 4,000 and 24,000 lives a year.

Though both the low and the high figures are impressive, the spread here is wide and perhaps a clearer picture can be obtained by comparing the results in those States with periodic motor vehicle inspection as compared to those without. Fortunately, both groups have about equal proportions of rural and urban areas and a comparison is very meaningful.

In all States combined with vehicle inspection, the traffic death rate is 4.71 per hundred million miles, while in all States without vehicle inspection the rate is 5.85, more than 24 percent more, or the equivalent of approximately 12,000 lives a year.

Unfortunately, only 21 States and the District of Columbia have an inspection law of any kind and, while a couple of them are good, most of these are inadequate.

The Federal act should provide for grants to the States to set up the original machinery for car, truck, bus, and trailer inspection programs provided the State program meets specified minimum requirements.

These minimum requirements should spell out that all parts affecting safety be inspected, that inspections be set at certain minimum frequencies and that the inspection program be set up so as to be self-supporting, requiring neither Federal, State, nor local tax support for its maintenance.

This latter point, that the program be self-supporting, is highly important because it has been our experience that systems are at the mercy of tax economy moves or dependent upon appropriations are never adequately maintained to keep up with the growing vehicle population and increase in parts needing inspection.

The grants should be made for a limited time, for the setting up of the machinery only, and until the program becomes self-supporting.

The other important matter for which we request consideration is the vital need for public education as to the importance of vehicle maintenance for safety. Those of us closely associated with this problem are constantly appalled by the lack of knowledge, the misunderstanding and, at times, the intentional misinformation promulgated among the public as a whole.

If the State officials and private safety organizations had been able to finance education programs on this subject in the past, we would already have much better legislation at the State level in most States.

State legislators and public officials tell us that the greatest single roadblock in the way of effective legislation for safety tests and periodic inspection of vehicle devices is public apathy or misunderstanding. The promotion of long-term warranties by the major vehicle manufacturers have also contributed to neglect of the vehicle. Too many drivers take pride in how little they have to spend to keep their cars running. The public needs to be made aware of the dangers involved by the neglect that creates what we call a "killer car"—a vehicle in which a vital part has become worn, damaged or defective to the point of possible mechanical failure.

The Automotive Service Industry Association has financed and is currently promulgating, through its State committees, a film for use at

civic and other club meetings on this subject. But a great deal more needs to be done.

The Federal act should provide for grants to States, school districts, and private safety organizations to assist in educating the public as to the importance and need for proper vehicle maintenance. As a part of this educational effort, a course in the appreciation for proper vehicle maintenance should be an integral part of every driver training course.

Needless to say, the matters I have covered are highly complex and in a brief statement of this type it is not possible to treat any of them with the detail they deserve. However, we appreciate the opportunity to meet with you and I will be more than happy to answer any questions you may have.

Mr. DINGELL. Does that conclude the statements of all of you?

Mr. HALFPENNY. Briefly, I have placed into the record Mr. McGovern's statement already. He is an expert in regard to brake lining. Their chief engineer would have been available for questioning with a test car that some of the Congressmen were able to see in front.

I do want to point out in his statement on page 4 that they maintain a fleet of 26 test vehicles on brakes and brake lining, and the testing that goes on, as an example, is stated that, "We tested the disk brake which has gained a great deal of acceptance in recent years at least 2½ years before they were introduced on certain American cars," pointing out, as in my statements, that our independent manufacturers were the ones that created so many of these designs.

My statement has also been included in the record, the supplement statement that I presented today, and I would also like to have my original statement dated May 4, included, if it please the committee.

Mr. DINGELL. Without objection, your second statement, the earlier one, will be placed in the record at this point.

(The statement to be furnished follows:)

STATEMENT OF HAROLD T. HALFPENNY

My name is Harold T. Halfpenny; I am an attorney with offices at 111 West Washington Street, Chicago, Illinois. I am here today representing three national trade associations, Automotive Service Industry Association, Independent Garage Owners of America, Inc. and the National Congress of Petroleum Retailers (whose specific position is presented in appendix)—the members of which are concerned with the automobile, its repair, maintenance and service. The concern of each of these associations with the automobile is direct and immediate; the members of A.S.I.A. manufacture parts and components for the original vehicle and replacement; our warehouses and wholesalers distribute the parts and the independent garagemen and the gasoline service station retailers do the repairing and maintenance that keep it going.

The Automotive Service Industry Association is a national trade association with a membership of over 6,000 independent automotive wholesalers, warehouse distributors, parts rebuilders, and manufacturers of automotive replacement parts, tools, equipment, chemicals, paints, refinishing materials, supplies, and accessories. Its members are in all fifty states.

The membership of the Independent Garage Owners of America is composed of 4,000 small independent automotive repair shops in thirty-six states. Its members are those who repair, maintain and service vehicles and are not engaged in selling vehicles nor for the most part do they dispense petroleum products. According to the latest information released by the Bureau of Census, there are approximately 110,000 independent automotive repair shop owners in the country.

The National Congress of Petroleum Retailers, Inc., is the national trade association of the retail petroleum and automotive service station industry.

Comprised of constituent state and regional associations in forty states, the District of Columbia and Puerto Rico, it is the only trade association of retail dealers in petroleum products having a nationwide representation.

The automotive aftermarket is an eight billion dollar industry, serviced by more than a thousand manufacturers who supply an infinite variety of parts and accessories to all parts of the country through a nationwide web of wholesalers. The vehicle manufacturers are also engaged in producing replacement parts; aside from them, the manufacturers in this field could be described as small or medium in size. The independent manufacturers in turn produce and sell to the vehicle manufacturers, parts for original equipment as well as replacement parts. These manufacturers and wholesalers supply to the garage repairmen and the gasoline retailer the replacement parts necessary to give the American motorist the repair service he demands.

I have mentioned that the vehicle manufacturers are also engaged in manufacturing and distributing replacement parts in competition with the longer-established independents. The independent manufacturers have taken pride in the fact that their products have met this competitive test, and can justly claim that their products are not only comparable with those of the vehicle manufacturer, but often exceed them in quality.

The replacement industry has long been concerned with the tragedy of the mounting toll of deaths and injuries resulting from accidents involving automobiles. As a result, Automotive Service Industry has long been active in efforts to promote highway safety. For example, my files show the interest with which the association followed and supported the full dress hearing on this problem which was held by this Committee in 1957, which called this problem to the attention of the American public. The sustained interest of the members of industry was such that in 1960 I warned in a published article that if something was not done, "radical changes will surely occur in the automobile industry—changes which will be imposed by state and federal legislatures." (*Jobber Topics*, Summer, 1960 issue.)

The Automotive Service Industry Association has long maintained that the first step should be the periodic inspection of motor vehicles, and in the fifties it appointed a special Safety Committee, which now has State Safety Chairmen for all 50 States and the District of Columbia. This Committee has established close working liaison with all national safety organizations. The details of this effort will be given by the Chairman of our Safety Committee, Mr. Harker Collins, who accompanies me here today.

History shows that the independent manufacturer in the automotive service industry has been the creator and inventor of most of the important improvements and safety devices now available as standard equipment on the vehicles.

Independent auto service manufacturers, comprised mostly of small business enterprises, have been safety conscious throughout the history of the automobile industry. It has been their genius, technology, skill and effort that created and popularized bumpers and rear-view mirrors in the 1920's; in the 1930's they contributed seal-beam headlight conversion units, seat belts, hydraulic brake changeover kits, turn signals, front-end stabilizer units, and improved shock absorbers; in the late 1950's and early 1960's, they introduced adjustable ball joints and four-way flashers, all of which were subsequently adopted by vehicle manufacturers as standard equipment.

It is important to remember that any legislation Congress is considering does not affect merely the four vehicle manufacturers but the thousands of small manufacturing suppliers of components and parts and the hundreds of thousands of small businessmen servicing such vehicles in wholesale garages and service stations located in every community in this nation. The so called vehicle manufacturers are actually only assemblers of over 14,000 components and parts manufactured and supplied by in excess of 30,000 primarily small businessmen located throughout the nation.

On behalf of these independent businessmen who have contributed so much to the industry, I offer this comment:

The hearings on this subject in the Senate aroused so much violent feeling that there has been a tendency to focus on one problem only, and to lose sight of other, equally serious, considerations. As has been often pointed out, these hearings have concentrated on only one of the problems involved: the extent to which serious personal injury may be inflicted on the occupants of a motor vehicle as a consequence of certain aspects in the construction of the

vehicle itself. Without belittling this problem, we suggest that it is not wise to concentrate on a remedy for it, without giving due consideration also to the other effect which might follow the remedy.

We do not believe that government planning or regulation can achieve the goal of designed safety but rather would urge that with certain governmental directives hereafter suggested that the American small businessman be allowed to continue developing under the free competitive enterprise system new ideas and products which will prove effective and desirable and priced so the American public will be willing to pay for them.

Before discussing the proposed legislation now before you, I should mention that A.S.I.A., the Independent Garage Owners, and the Petroleum Retailers support Periodic Motor Vehicle Inspection legislation. While there may be a difference of opinion as to the relationship of car design to injuries from accidents, there can be no doubt that *unsafe parts* and *unsafe vehicles* cause accidents. It is certain that if the present 75 million vehicles are not maintained in safe working condition they become a lethal weapon. It is also certain that the safest car will not bring traffic safety without safe drivers and safe roads.

We believe the requirement of mandatory establishment of vehicle safety standards by government which the industry would have to follow is unnecessary at this time in view of increased adoption of motor vehicle inspection laws by the states, and the fact that Congress has already passed legislation to establish orderly federal leadership and coordination for meeting traffic safety goals. It would nullify previous action of Congress and this Committee by the adoption of the Beamer Resolution (P.L. 85-648), which gave prior consent and encouragement for the development of interstate compacts in traffic safety. Forty-four states have enacted legislation and appointed commissioners to the Vehicle Safety Equipment Compact Commission which was organized in September 1963 and in May 1965, promulgated its first regulation on tire safety (Regulation V-1) which has since been revised.

The function of the Vehicle Safety Equipment Compact is to devise and prescribe safe motor vehicle standards applicable to all vehicles. This Congressionally validated body has made real progress in this difficult and complex field.

Compact arrangements by and between states, such as the Vehicle Safety Equipment Compact, have proved workable in the protection of water resources, oil and gas. They are not new devices but rather they are as old as our system of government. The working partnership between the federal government and the states is not a new approach either, and since we have a system of free enterprise it would seem that Congress should encourage fuller cooperation by and between all areas of Government and private initiative and free enterprise.

As to the specific provisions of the Proposed Traffic Safety Act of 1966, we offer the following comments.

Title I provides for Federal Motor Vehicle safety performance standards to be established by the Secretary of Commerce.

This legislation would give the Secretary virtually unlimited power to establish safety standards affecting design and parts. It should be noted that Section 101 (d) defines "Motor Vehicle Equipment" to include "any system, part or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement of such system, part or component or as an accessory or addition to the motor vehicle."

The criteria for federal vehicle standards are stated in such broad terms that they do not provide adequate guides to manufacturers of the kind of standards they may be required to meet, or assurances of protection against impractical and uneconomic requirements. The Secretary is required to show only that there is "substantial" evidence to support his findings. He is not required to take account of all sides of the problem or to show that, taking all facts into account, his findings are in the public interest. The Secretary would have power to establish performance standards in minute details for any of the thousands of parts in an automobile, parts which are highly interdependent and based upon mass production. Vehicle safety or safety of an automotive part is not just a matter of adding equipment and the Secretary would be drawn into question of manufacturing and production, which can only result in further governmental control of American business, and as small businessmen, we fear our interest could not be protected. The mere existence of administration authority to improve or change vehicle standards at any time would add uncertainty to many

other burdens of small business who would not be in a position to maintain sufficient personnel in Washington to know what plans and programs were being discussed. The sweeping power to set future standards based on criteria not known in advance would inevitably retard research and development. The procedures outlined in Title I would risk doing serious harm to the welfare of motorist, employees of our members and the public.

Sec. (102a) turns over to the individual Secretary not only the legislative authority of the Congress but that of the Legislature of our 50 States and is clearly at issue with our historic concept that this is a nation of laws and not of men. The Secretary is given authority (Sec. 102(a)-4) to establish and issue by order appropriate federal motor vehicle standards for motor vehicles or motor vehicle equipment when he determines there is need for a new or revised motor vehicle safety standard and specifically spells out that this is a preemption over the local ordinances and state statutes, as it eliminates state or local government law, regulation or ordinance.

If enforcement of the Federal Motor Vehicle Safety Standard is contemplated by a Federal police agency, no provision would be necessary as to the effective date as set forth in Sec. 101 (b), since the states would have no enforcement obligation or power. However, if this is not the intent, changes should require one year so that the states would then have time to pass legislation to conform to the federal standards to make possible enforcement programs which could be meaningful. Section 102 (c) allows the Secretary at any time to amend, withdraw, or issue new orders merely by publishing his reasons therefor. This is government by an individual rather than by our system which calls for laws which spell out specifically authority granted by legislation.

Under *Title II-Traffic Accident and Injury Research and Test Facilities*. We strongly support Title II. Better information and analysis are required. Federal leadership is needed to stimulate development of broad research in this field. It is sincerely hoped and urged that programs in research grants either by contract or federally controlled will be extended to include the cooperation by and with non-governmental associations undirected except as to objectives and requirements to report progress or failure conducted in cooperation with colleges, universities, or equipment laboratory research agencies.

Title III. Highway Safety: The creation of standards for highway safety programs has our full support. Unfortunately, it does not spell out the fact that we already have in the Action Program of the President's Committee for Traffic Safety, adequate minimum standards for states which the Secretary should use as guidelines in any development of standards for states to qualify for federal grants.

The Administration of these funds by the Bureau of Public Roads contains an inherent danger that the funds will be apportioned primarily for highway construction with little or no regard to the problems of driver licensing, motor vehicle inspection, public education, driver education or enforcement of traffic laws and ordinances. In addition, the funds authorized to be apportioned to aid the states to conduct highway safety programs in the Bill are to be apportioned among the several states: 75 percentum on the basis of population, and 25 percentum as the Secretary in his administrative discretion may deem appropriate. It would seem more proper to allocate 25 percentum on the basis of area rather than upon Secretarial discretion.

CONCLUSION

In summary, the independent suppliers of parts and the repairmen who install those parts, cannot support the legislation here considered for very basic reasons. In their view of the matter, the proposal would have very serious economic repercussions which have not been sufficiently considered, since the attention of Congress has thus far apparently been focused entirely on consideration of injuries resulting from the "second collision". They ask you to remember that these economic consequences will extend to many thousands of independent businesses, and their employees.

The danger of fixed federal standards is that they will necessarily be drawn in terms which will describe an existing produce, and very likely one manufactured by one company. This will tend to create monopolies by making competition impossible. Thus products which are exactly as safe as the product which happens to be described by the Secretary's standards will be unable to compete, not because of any defect but simply because they have not been considered by the Secretary.

We ask that more study be given to the possible economic consequences of the present proposal, and that Congress refrain adopting any legislation without a full awareness of all its possible consequences.

APPENDIX TO STATEMENT OF HAROLD T. HALFPENNY

SUPPLEMENTAL STATEMENT OF NATIONAL CONGRESS OF PETROLEUM RETAILERS BY
WILLIAM SNOW, GENERAL COUNSEL

Because of our concern with the provisions of Title I, the National Congress of Petroleum Retailers join in the statement of Automotive Service Industry Association opposing H.R. 13228 in its present form.

Although we do not oppose mandatory safety standards as such, our concern is that the provisions of Title I can lead to new abuses. It contains no safeguards against mandatory standards leading to static standardization and thus choking off the safety advances which have traditionally come from the competition of independent manufacturers.

The threat to distribution is potentially even more serious, since there is no safeguard against the centralized power which the measure creates being used to restrict access to essential products, and hamper distribution of automotive products to and thru service stations.

Highway safety needs the help and active participation of small business and these two objectives should go together, not be separated as they are in this measure.

Mr. HALFPENNY. The replacement industry that has so much to do with this industry, feels strongly that we are fearful that if control is given to just one individual instead of an advisory board or commission, there is great danger of monopoly being created here, that independent industry would not be able to compete in this market whatsoever.

We feel, also, that design standards are very dangerous to the future of the American motorist. We think requirements of standards of performance are more important than anything else. How a part or an automobile performs, rather than design standards, is the most important.

We would also like to urge that the State participate in any such advisory council, and also that our independent manufacturers be represented on any kind of advisory board. Otherwise, we feel there is great danger of monopoly.

We appreciate very much this opportunity of submitting our information. These trade associations have a great deal of material. We have been very active for years in this field. I have been for 30 years representing this independent industry and we feel in the face of great competition we have better products than anyone else.

We would be happy to answer any questions or submit any information that this committee might desire.

Mr. DINGELL. Your statements have been very helpful gentlemen. Mr. Younger?

Mr. YOUNGER. No questions.

Mr. DINGELL. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

I think the concern of your industry has certainly surfaced in the course of these hearings. Many of us who have been working on the idea of traffic safety and safety performance standards for new vehicles did not fully comprehend the implications to your industry.

Your alertness in bringing this to our attention will be very helpful in writing the bill.

Mr. HALFPENNY. Thank you.

Mr. MACKAY. The Automotive Manufacturers' Association delivered to this committee today their thoughts about what they call meaningful consultation with the private sector, with States and local governments. I would hope that you would critically examine their position. It will probably be published extensively in the papers.

The main instrument they want consulted is the Vehicle Equipment Safety Commission. As you know, this was established by a national compact authorized by the Congress, now entered into by 44 States, made up of representatives appointed by Governors.

I don't see how this could become the property of just the Big Three. I think it would afford you the same kind of protection.

Mr. HALFPENNY. We have worked closely with the States on this VESC and feel there have been many dedicated people in that. They do a very good job.

Mr. MACKAY. I think it would be very helpful, in view of the fact that the automobile industry has responded to Mr. Dingell's and my request that they present specific language, and since they have given us a specifically marked up bill, if you could furnish us with your reaction to that bill. It would be purely advisory.

The Automotive Manufacturers' Association has said that it is not a stalling device because the time features of it are pretty brief. It provides that even if the Secretary of Transportation decides that he doesn't agree with the VESC he can go ahead on his own motion and set standards.

I don't blame you for being concerned about the possibility of abuse of power, but it seems to me this would be unlikely.

Mr. COLLINS. May I make a statement, Mr. Mackay? Very frankly, I think what you say is largely true but we feel it would be inadequate. We feel there should definitely be a commission or an advisory board, and the VESC would be fine. We feel perhaps its composition is not adequate, but at least it is a good organization.

We have worked with it very closely. But this business of being able to go back to the directive of an individual we feel would be a mistake.

Mr. MACKAY. If you and your lawyers and political scientists can come up with specific language as to where this power might reside other than under a Cabinet officer, it would be helpful to us.

Mr. COLLINS. This is the reason we recommended a commission as such.

Mr. MACKAY. In initial consideration of our bill, which has the support of 46 Members of Congress, we did not deal with safety standards for used cars, and yet we know that 90 percent of cars now in use are used cars. We did propose a grant-in-aid program to help develop uniform inspection of motor vehicles throughout the Nation, because only 20 States inspect now and they are pretty weak, many of them.

Mr. HALFPENNY. We have tried to get many States to do it and it is a difficult task.

Mr. MACKAY. I would hope that we could phase this bill so that there would be included our proposals for an agency, our adminis-

trator, our process of consultation, and the Congress can put meaningful limits on the nature of the standards and the extent of the standards that might be adopted at the outset.

This may be the best protection for your industry, if we take it a step at a time and do not give a blank check to the executive branch.

Mr. HALFPENNY. In fact, that was my recommendation, that this be taken steps at a time. It is a tremendous undertaking. We feel that periodic motor vehicle inspection should be afforded to all automobiles, new and used cars.

Mr. COLLINS. And that it should be the first step.

Mr. MACKAY. I think if you will read both of these approaches, you will see that neither bill talks about design; each provides for safety performance standards. I think there is agreement that Government ought not be engaged in design.

Mr. COLLINS. May I make a comment, please? We find in actually working, and this is no criticism of anyone, with people in various departments of the executive branch, that there is a definite misunderstanding among people who have authority relative to the setting of standards as to the difference between a performance standard and a design standard. Frequently they feel that they are developing a performance standard but it has design characteristics that greatly limit it.

Mr. MACKAY. I asked the AMA, in particular, to suggest to us what they considered to be meaningful safety standards, and they said they would do so.

The Speno report gets into safety standards. If your industry could suggest to us the performance standards that you think are practical, this would help educate those of us who are laymen and not engineers.

Mr. HALFPENNY. The problem is so large. We have many types of vertical groups in our industry. For example, there are over 1,000 different types of piston rings alone that have different standards. You have over 700 types of pistons. These are some of the problems that, of course, are of great concern to people as independent manufacturers.

Mr. MACKAY. You would be interested to know that Mr. Jim Hall, who is the president of the Independent Garage Owners of Georgia, has been before this committee and has given some very helpful testimony. He made an interesting comment. He said we should upgrade the training and certification of who can work on an automobile.

Mr. HALFPENNY. That is right. As he told you, that is one of the problems that has appeared. We are in manpower training and we are carrying on at our expense programs to try to get mechanics.

Mr. MACKAY. The information we have is that the markup is going to proceed faster on the Senate than over here. I certainly would not fail to get over there.

Mr. HALFPENNY. Thank you very much.

Mr. COLLINS. Thank you.

Mr. MACKAY. I should have said the other side. We are not supposed to mention the Senate. It is the other body.

Mr. DINGELL. Mr. Devine?

Mr. DEVINE. No questions.

Mr. DINGELL. Gentlemen, the Chair is grateful to you for your presence today and apologizes to you for the fact that you were de-

tained during the time that this committee had business on the floor of the House. I am sure you understand and understand also this was not intentional.

Mr. HALFPENNY. Certainly.

Mr. COLLINS. Thank you very much, Mr. Chairman.

Mr. DINGELL. The next witness is the Honorable Roger Craig, State senator from the State of Michigan.

Senator Craig is a constituent and friend of mine who has been very much interested in the question of auto safety in the State legislature. He has been working very hard toward that end.

Senator, the committee is indeed happy to have you for whatever comments you wish to make.

STATEMENT OF HON. ROGER E. CRAIG, A STATE SENATOR FROM THE STATE OF MICHIGAN

Mr. CRAIG. Mr. Chairman and members of the committee: With your permission, I will summarize my statement.

Mr. DINGELL. Without objection, your statement will appear, in full, in the record.

Mr. CRAIG. Mr. Chairman and members of the committee: I am Roger E. Craig, State senator from the 10th district, and, as the chairman has pointed out, a constituent of Congressman Dingell, my good friend.

The impetus for my trip down here today, gentlemen, was the fact that the Governor of the State of Michigan testified before you previously, and talked about the cooperation between the State and Federal Government and industry with reference to the promulgation of auto safety legislation.

It is my purpose today to tell you briefly about the experience that I had in introducing that kind of legislation, local legislation, at the State level. I have attached to my statement summaries of the bills I introduced.

The bills did not receive the support of the executive office, although half of them were supported by the chief of police and the State police director. The interesting phenomenon that I wish to call the committee's attention to is the fact that when industry testified on the bills I proposed before the senate highway committee in Michigan, they opposed the bills entirely, but when they appeared before the Ribicoff committee, the same representatives said the problem of auto safety was largely one for local control, State and local control, and regulation.

It is my fear, gentlemen, that the industry would whipsaw us, telling you that the job was up to us, and telling us that the job was up to no one but industry. That is the fear that I call your attention to.

I think the problem of permitting each State to forage for itself in this area has obvious dangers. I understand very recently one State adopted a design requirement calling for a four-way flasher on the back of a vehicle, and another State had a statute forbidding anything but conventional lighting, so apparently you had to change the lights on your vehicle when you crossed the State line. I think this illustrates the Federal nature of the problem.

If it is logical to do any of this work at the State level, I suppose it is on a test tube theory by which some of the States can give you some assistance, as Ohio, and I suppose several other States have, as California has for smog control. But I would make a little pitch for my area. I live within an area of several blocks of the Rouge plants, and I would respectfully submit that in the matter of prototypes, we have forgotten more about auto safety than the aviation industry can possibly learn. Maybe that is part of our problem.

The point I wanted to make is that this legislation has a great potential benefit, the legislation you are considering, for the industry, to this extent: Those people who made the mistake of manufacturing the Edsel don't want to make another mistake that will cost them industrial profits, and gives one industry or one company an advantage over others.

By requiring all industries to adopt certain minimum safety standards, we protect the competitive nature of the companies between themselves. I think this is advantageous.

Gentlemen, in conclusion, let me say that I support the President's program. I think that the Ribicoff amendments proposed to toughen the bill are probably appropriate, but this will be a beginning, and I think the companies are now indicating their willingness to cooperate to some extent.

I would hate to see the companies wait for the States to move, because I don't think we can look to the States to make a meaningful solution in this area.

Thank you very much for an opportunity to address you.

The CHAIRMAN. Thank you, Senator Craig, for coming here to give us the benefit of your views. You have introduced the bills in your State for the State inspection?

Mr. CRAIG. Yes, sir, Mr. Chairman. I introduced a package of eight bills ranging from design requirements to standards requirements, to one bill which would have required notification to the ultimate consumer of defects, after discovered defects, which I understand the companies are now doing on a voluntary basis.

The CHAIRMAN. And you say, too, that you know of an occasion where one State passed regulations requiring certain lights and other States declared them illegal?

Mr. CRAIG. Yes. If the chairman please, Ohio passed a regulation with reference to flashers, as I recall it, and there are other States which require only conventional lighting, so that as a matter of law, lights which would be required in one State would be illegal in another. As a matter of fact, there are Michigan statutes which presently could be so construed.

The CHAIRMAN. You think under these circumstances, then, it would be advisable for the Federal Government to set certain standards in this line. You wouldn't have the Federal Government going in and setting all the regulations between States, and things like that?

Mr. CRAIG. No. I think in the areas in which we can operate, Mr. Chairman, we have been fairly effective, but I think in this new area of regulation of manufacturing, if we don't have regulation at the Federal level, I am afraid we won't have any significant regulation.

The CHAIRMAN. You are in favor, then, of a three-package bill—the automobile, the safety of the highway, and of the driver?

Mr. CRAIG. I am, sir.

(Mr. Craig's full statement follows:)

STATEMENT OF STATE SENATOR ROGER E. CRAIG, MICHIGAN

Mr. Chairman and Members of the Committee, I am Roger E. Craig, State senator from the 10th District of Michigan and a constituent of your colleague, my good friend Congressman John Dingell.

I understand that a few days ago another politician from my state appeared before you and called for amendments to proposed legislation affecting auto safety which would provide for state involvement in the process of developing that legislation.

This testimony from Michigan's governor, coupled with my own basic enthusiasm for federal legislation in the area of traffic safety, accounts for my presence here today. For I have had significant experience with efforts at the state level to secure the adoption of legislation requiring auto makers to give increased attention to vehicle safety.

Last January when our governor—who is, incidentally, no Gaylord Nelson—gave his "State of the State" message, he dealt with the driver, the highway, enforcement and inspection—all areas of traffic safety except the responsibility of the manufacturer. This makes his current enthusiasm for legislation control at the state level difficult to understand.

To call the governor's attention to this area of traffic safety, I introduced a package of eight bills requiring auto manufacturers to observe certain basic requirements in the manufacture of automobiles. Although several of these proposals were designed primarily to stimulate a dialogue at the state level between the legislature and the industry, a number of them were eminently reasonable, and half of them received the support of the governor's own director of state police. (Copies of the director's analyses of my bills are attached for your information.)

However, none of the bills received any support from the office of the governor. This causes me to wonder how serious he is in his suggestion that the state should be involved in the promulgation of manufacturing safety standards.

The governor is apparently still wearing the old school tie from his American Motors days, because his testimony appears to follow the same line laid down by the manufacturers. They say to you that the state should be involved in the regulation of auto safety, the manufacturing process; but they were vigorous opponents of all the legislation which I proposed to accomplish just that, and they made no effort to offer constructive alternatives.

What I am suggesting, gentlemen, is that the industry is attempting to whipsaw us by calling for state regulation when they appear before you and for no regulation when they appear before us.

In a hearing that was held February 21, 1966, to consider the legislation I proposed, the representatives of General Motors, for example, contented themselves with attacking the proposals, rejecting my request that they offer constructive alternatives, although both Mr. Roche and Mr. Donner in their previous testimony before Senator Ribicoff's committee, asserted and re-asserted that the proper place for regulation of manufacturing safety in automobiles was the state and local level, and that the appropriate role for the federal government was merely to encourage the assumption of this responsibility by the local authorities.

It is my fear that, by pointing to state government, the industry and its spokesmen in government will cause our representatives in Congress to delay action on this critical problem.

There is also a serious question as to whether or not philosophically legislatures in the several states should concern themselves with a problem so clearly federal in its scope. If a man is licensed to drive in Ohio, his license is good in Michigan. If his car is fit to drive in Ohio, it should also be fit to drive in Michigan. Leaving the problem to the states could result in 50 sets of standards, some of which could be in conflict.

I understand that this conflict has in fact arisen with reference to the question of whether or not automobiles should be equipped with flashers—one state requiring four-way flashers and another prohibiting any lights on vehicles other than those conventionally employed. The dangers in such a situation are obvious.

Moreover, it is possible that the passage of conflicting state legislative enactments is the fastest way to insure total federal control.

One of the virtues of our state government, however, is that each of them has the potential to act as a test tube for the trial of legislative programs before they are implemented at the federal level. It is my understanding, for example, that both New York and Ohio have passed legislation requiring seat belts as standard equipment on automobiles—that this legislation did not destroy the industry and has served at least to some extent as an example to the federal government. Similarly, California has developed some legislation to combat automobile pollution, and the California experience may be of value at the federal level.

If the governor of my state were sincere about state action in this area, he could easily join with his director of state police and support some of the bills that I have pending, and then Michigan would also be in a position to make a positive contribution.

If it is logical to have the manufacture of automobiles regulated at the state level, then Michigan is the logical state in which to do it. That is where the cars are made, and that is where safety can be built into them. I live only a few blocks from one of the world's largest manufacturing plants, the Rouge Plant in Dearborn; and with all due respect to Republic Aviation, the engineers at the Rouge have forgotten more about auto safety than the aviation industry will ever learn. It is not that the industry does not understand auto safety—it is simply that no pressure has been brought on the industry to make use of that knowledge.

And this is one aspect of auto safety legislation which really has a beneficial potential for the industry. For the argument has been made over and over again that the public will not buy safety and that the manufacturer who tries to sell safety will lose his share of the market. Government, by requiring minimum standards in all car makes, is in a position to insure that no manufacturer has to take that risk alone. The auto industry has been called the last of the economic Darwinists, since it seems to assert that: "We make styling changes, and that sells cars; therefore, that is what people want."

I am inclined to believe that, as the elected representatives of the people, we are more keenly tuned to what the people want than are the motivation-research employees of the auto industry. I think the people want auto safety, and I think they are looking to Washington for legislation to require it.

I support President Johnson's program. I would still prefer mandatory legislation. However, if the industry can be induced to cooperate in the development of auto safety on a voluntary basis, perhaps mandatory legislation is not required at this time.

In conclusion, gentlemen, I am convinced that we cannot look to the states for action in the area of auto safety regulation. And since such regulation is vital to the public interest, I urge passage of the President's program.

MOTOR VEHICLES: FLASHER SIGNAL (S. 766)

(Present Status: Senate Highways Committee)

This bill would require all motor vehicles sold or offered for sale in this state to be equipped with a four-way flasher signal device which allows all signal lights to blink simultaneously in the event of an emergency. The system shall be operated manually from the dashboard and shall operate in the "on" position independent of the ignition.

MOTOR VEHICLES: VISUAL SPECIFICATIONS (S. 767)

(Present Status: Senate Highways Committee)

This bill would require all motor vehicles, buses, or trucks sold or manufactured after January 1, 1968, to conform to the following specifications:

1. All motor vehicles shall be equipped with an outside rear-view mirror on the driver's side.
2. The top of the dashboard and metal panels near the windshield shall be finished in a nonglossy color and texture. No portion of the steering-wheel or dashboard shall be visible reflected on the windshield during daytime driving under normal conditions from any normal expected viewing angle.

3. Windshield wipers, wiper arms, brackets and blade-holding devices shall be made of a dark, nonglossy material, or shall be a dark and nonglossy finish.

4. All motor vehicles shall be equipped with automatically activated back-up lights as standard equipment.

REQUIRE DUAL BRAKING SYSTEM (S. 768)

(Present Status: Senate Highways Committee)

This bill would require all motor vehicles, buses or trucks manufactured or sold after January 1, 1970 to contain a dual braking system as standard equipment.

The primary braking system shall be the conventional disc or drum type. A signal light would indicate the failure of the primary system due to loss of hydraulic fluid, excessive brake wear or pedal travel.

Upon failure of the primary system, the secondary system would become automatically engaged. The secondary system shall be of hydraulic or mechanical design.

Hydraulic brake fluid must conform to SAE specifications except the boiling point shall not be less than 325 degrees Fahrenheit.

In addition, the bill requires vehicles to be equipped with a driver indicator signal which automatically signals the driver in the event of a brake-light failure.

MOTOR VEHICLES: WINDSHIELD WIPERS (S. 769)

(Present Status: Senate Highways Committee)

This bill would require all motor vehicles manufactured or sold after January 1, 1968 to be equipped with electric sweep-design windshield wipers as standard equipment. The wipers are required to cover a minimum of 75% of the windshield surface and have two speeds.

SHIFTING POSITIONS FOR CARS (S. 770)

(Present Status: Senate Highways Committee)

This bills seeks to establish a uniform shifting pattern for cars with automatic transmissions by describing the shift positions for a column mounted shifting lever.

CAR SAFETY DEVICES (S. 771)

(Present Status: Senate Highways Committee)

This bill would require a padded dashboard and visor, recessed dash instruments, and an impact-absorbing steering wheel on any motor vehicle sold within this state after January 1, 1968.

MOTOR VEHICLE SALES (S. 772)

(Present Status: Senate Highways Committee)

This bill would require manufacturers or sellers of motor vehicles in this state to give a written notice to the original purchaser of the vehicle if any defects are discovered subsequent to the sale of the vehicle which could cause an accident or injury to the driver or passengers.

The written notice shall state the defect if known, or the type and nature of the defect if unknown. The notice must be sent by certified mail to all original purchasers of a model in which the defect was discovered or to those who have purchased a different model which incorporates the same defective part or assembly.

All sellers, dealers or manufacturers who offer motor vehicles for sale are required to notify all prospective purchasers or users of defects discovered subsequent to manufacture of the motor vehicle by posting a notice of the defect in a prominent place in the showroom or place of business. If the dealer or seller has no regular place of business or showroom, the notice must be prominently displayed on the vehicle.

DIRECTIONALLY UNSTABLE VEHICLES (S. 773)

(Present Status: Senate Highways Committee)

This bill would make it illegal after January 1, 1970 to manufacture, sell, offer for sale, or operate on the highways, any vehicle which is directionally unstable at less than 0.75 G's of lateral acceleration.

The CHAIRMAN. I call on our colleague John Dingell. I understand you are a constituent of his. I would like to say that John is a very valuable member of this committee. He always tries to do what he thinks is best. He has been a member of this committee for a long time. You are to be congratulated for having him as your Congressman.

Mr. CRAIG. Thank you.

The CHAIRMAN. John, have you any questions?

Mr. DINGELL. None except to welcome my good friend to the committee. He is a very able, young State legislator, who has carved a very significant mark in the history of our legislature. We in our part of the State are very proud of him in the legislature. I am grateful personally for his coming down. He expressed interest in coming before the committee, and I thought the testimony he would have to give to the committee would be very useful to the committee. I am very pleased that he has come.

Senator, we are grateful to you for coming here today.

Mr. CRAIG. Thank you very much, Congressman Dingell.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Thank you very much, Mr. Chairman.

Senator, when the Governor was here, he mentioned the difficulty that he had in getting regulatory measures passed by the legislature. Can you give us a little rundown on that?

Mr. CRAIG. Congressman Younger, I think the real problem has been a singular lack of effort in the Governor's office in that connection. Some of us—well, I got absolutely no help on any of my bills, including a bill requiring compulsory motor vehicle inspection, from the front office, and maybe there is a lack of party discipline in my State, I am not sure, but he hasn't been able to give me a single vote out of the highway committee for any of that legislation.

I will admit that the legislation has been recalcitrant. We haven't had the wholehearted cooperation on that by the Governor and we haven't had any clamoring by the auto industry either.

Mr. YOUNGER. Thank you.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. The Automobile Manufacturers Association has delivered to the committee today its specific thoughts about how we could provide for meaningful consultation with the States. As you perhaps know, this is the Vehicle Equipment Safety Commission. I certainly am in favor of meaningful consultation, having come from a State legislature. I was not familiar with this commission. This may be my fault.

Does this seem to be an acceptable body for the discussion of safety standards before they are adopted up here? As the AMA has presented it, they would have no authority to block, delay, or anything except just to have discussion. Are you familiar with this commission?

Mr. CRAIG. Yes, I am. I am familiar with the commission, and I think the idea has some merit, but the history of the commission doesn't warrant us giving them that kind of serious consideration. I think their past record has been relatively meaningless. Unless they would agree to be active in the future, they wouldn't make any contribution, I am afraid.

Mr. MACKAY. But they have at least come up with a specific suggestion in that regard.

Mr. CRAIG. And I think that is an interesting suggestion for involving us, Congressman.

Mr. MACKAY. Now, about the idea of an agency, the administration bill simply authorizes a department of Government to do certain things. It doesn't even say they shall do them. It doesn't set up any explicit assignment of responsibility except that a Cabinet officer has power.

Many of us contend that we need an agency with an administrator appointed by the President, so that when something comes to your legislature or to the Georgia Legislature, we will know that this man speaks for the national view.

I asked Senator Ribicoff if he thought that was important and he said he thought we ought to place the traffic safety responsibility under an assistant secretary. I think you will agree that although an assistant secretary sounds pretty important in Washington, it doesn't mean much in a State capital.

Mr. CRAIG. That is right.

Mr. MACKAY. Does the idea of having an administrator appointed by the President indicate that that would personify the national interest in traffic safety?

Mr. CRAIG. Yes; and also I think it focuses, again, the public attention on the tremendous weight and importance this issue is being given at the national level.

Mr. MACKAY. When we have the FAA Administrator before us, we have the man charged with the responsibility to be informed and to take action, if necessary, for the safety of the people.

I am going to hand you 28 questions which I ask you to study. If there are any points in it that you would like to comment on further, I would like to correspond with you about it.

Mr. CRAIG. Yes, sir.

(The reply to Congressman Mackay's questions will be found in the committee files.)

Mr. MACKAY. I think we have seen more vitality coming out of the State legislatures than we have seen coming out of the executive department here in Washington.

Mr. CRAIG. Thank you.

The CHAIRMAN. Mr. Harvey?

I might say you have another Michigan Senator here and a very valuable member of this committee, one of our hardworking men. You are to be congratulated for having such a member from your State serving on this committee.

Mr. HARVEY. Thank you, Mr. Chairman.

Senator, I certainly welcome you to Washington, also. I have followed through the newspapers the progress of your bills in the Michigan Legislature. You had a package of eight bills, as I recall; is that correct?

Mr. CRAIG. That is correct.

Mr. HARVEY. They were all referred to the one committee?

Mr. CRAIG. All bills were referred to the Senate Highway Committee.

Mr. HARVEY. And that committee held hearings on the bills?

Mr. CRAIG. Yes. The committee held several days of hearings on the package of eight bills.

Mr. HARVEY. In the free press the other day they carried a story in which I think they said your bills were killed in committee. Is that an accurate description?

Mr. CRAIG. That is an accurate description of what happened.

Mr. HARVEY. So they will not be reported out in this session of the legislature?

Mr. CRAIG. The deadline for passing out bills, Congressman, has passed. They will not come out of the Senate committee. They may wind up on the end of House bills in the Senate, however.

Mr. HARVEY. I have no further questions.

I certainly want to thank you for coming here, also, Senator.

Mr. CRAIG. Thank you very much.

The CHAIRMAN. Mr. Farnsley?

Mr. FARNSELEY. I just want to give the Senator my propaganda. I listened to you, so you take this home with you.

Mr. CRAIG. Thank you very much.

The CHAIRMAN. Again, we want to thank you for coming in and giving us the benefit of your views, since you have been related to this subject and have been working on it for some time. I, for one, will be very much interested in going over your testimony.

Mr. CRAIG. Thank you.

The CHAIRMAN. We want to thank you as an American who is interested in this project. Certainly coming from the State you do, I think it is of great importance to all of you.

Mr. CRAIG. Thank you.

The CHAIRMAN. The next witness will be Mr. Eames.

Mr. Eames, we welcome you to the committee. We apologize for the fact of keeping you so late, but you can understand the problem that this committee is working with. We just had a bill on the House floor. We are trying to accommodate, as much as possible, each of the witnesses. You are the last witness; last but not least.

Would you identify the gentlemen with you?

STATEMENT OF ROSS EAMES, VICE PRESIDENT—ENGINEERING, EATON, YALE & TOWNE, INC., CLEVELAND, OHIO; ACCOMPANIED BY JAMES STOVER, STAFF ASSISTANT; AND GEORGE C. VAN NOSTRAND, LEGAL COUNSEL

Mr. EAMES. On my right is Mr. Stover, from Eaton, Yale & Towne, my staff assistant; and Mr. Van Nostrand, an attorney here in Washington, on my left.

My name is Ross Eames. I am vice president of engineering of Eaton, Yale & Towne, Inc., of Cleveland, Ohio.

Because of the independent suppliers' important role in the U.S. automotive industry, and more specifically because Eaton, Yale & Towne is one of these suppliers which may be affected by pending

legislation, I submit this statement for consideration by members of the committee during your deliberations regarding highway safety.

While I am sure the members of the committee are all generally aware of the situation within the automotive industry, I thought it would be helpful to put more clearly in focus the part the independent supplier plays. It will, I believe, be of interest to the committee to know that over 50 percent of the dollar value of an automobile is in purchased material. Independent suppliers to the automotive industry range in size from very small, individual enterprises to substantial companies, and offer a huge variety of products and services. They are usually identifiable, however, by certain common characteristics—a relatively flexible organization, highly expert in a given field; and one that is accustomed to making its way in a very competitive industry by exercising leadership in its chosen field.

The independent supplier has long been an important contributor to the advancement of automotive technology. Such comparatively new safety items as limited-slip differentials, speed control devices, and disk brakes were pioneered by independent suppliers.

This committee has been advised that some consider the independent suppliers to have been the principal source of new safety innovations. We believe it is important for the committee to have this picture clearly in mind when writing legislation intended to encompass all elements of the automotive industry.

Our company has been one of the independent suppliers for over 50 years. Approximately 12,000 of our 35,000 employees are involved directly or indirectly in supplying components and parts for automobiles and trucks. These 12,000 employees work in approximately 18 separate divisions in the United States. A typical division has about 700 employees and is located in a small town in the Midwest. It manufactures a proprietary product and is responsible for its own sales, engineering, and manufacturing.

It carries on its own research and development activities related to that product. On a corporate basis, we also maintain a central laboratory in Detroit, Mich., which has over 100 professional and technical people working on new products.

It has been our policy for many years to concentrate on developing proprietary products with a high engineering content. Some of the items which we currently manufacture that are directly related to safety are truck brakes, limited slip differentials, power steering pumps, and tire valves. Among the safety items currently well along in development are road speed controls, braking control systems, passenger restraint systems, and truck retarders.

The President's Committee for Traffic Safety, in the engineering section of its recently published "Acting Program," lists several projects relating to vehicle handling and brakes. The aforementioned items comprise a majority of the projects on that list.

Before moving to specific comments, I would like to state that I have been impressed by the sincere and objective approach of the House Interstate and Foreign Commerce Committee related to its review of the subject in depth so as to arrive at a sound basis for legislating. We in Eaton Yale & Towne are grateful for the approach being taken by this committee, and it has affected our appraisal and recommendations regarding the proposed legislation.

Let us turn to the subject of traffic accident and injury research test facilities, which is treated in title II of H.R. 13228 and in section 4(b) of H.R. 12548.

The purpose of this legislation is to substantially reduce the number of deaths and serious injuries on our highways each year. The experts on this subject seem to agree on at least one point: There is a total absence of adequate statistical information compiled on the basis of individual accident investigation.

We believe that the investigative phase of any Federal legislation should be made mandatory, and require the agency to conduct traffic accident and injury research, to analyze the compiled information, and to take appropriate action.

In many cases there is probably sufficient technical know-how today to provide quick remedies to a few of the more obvious problems. It is our firm opinion, however, that the most substantial contributions to safety still lie ahead and are unvisualized today.

We have an abiding faith in the power of properly directed research and development. The real problem presently is the lack of adequate information and facts related to safety on which to base realistic development programs. Let me cite a specific example of how this might work:

It might be easy and logical for a research organization to assume that a decreased stopping distance on dry pavement would be a desirable improvement in brakes. Studies in depth of accident data, however, could well show that decreased stopping distance under slippery conditions, coupled with greater control of the vehicle, would be even more desirable, perhaps even at a slight sacrifice of dry pavement stopping distance.

It is interesting to note that our studies of antiskid brakes indicate some loss of dry pavement stopping may be necessary to gain these other advantages. You will no doubt recall several witnesses before this committee have mentioned the desirability of this device. Yet without a clear insight into the part that vehicle performance plays in accidents, it is difficult to truly assess the merits of this feature.

For establishing the Government traffic accident and injury research test facilities, we slightly prefer the approach prescribed in section 4(b) and 13 of H.R. 12548. While a case may be made for the proposal that it is inappropriate for Government and industry to use the same research and test facilities, I perceive no inhibition to the Federal Government utilizing State facilities, existing and proposed.

This committee, which has already indicated its awareness of the vital role to be played by the States can, review proposals by Federal and State officials and then determine what is required and the manner in which additional Federal funds will be expended, either independently or in cooperation with State facilities.

The subject of highway safety is treated under title III of H.R. 13228 and under sections 5, 6, 8, and 13 of H.R. 12548.

We favor a more active role by the Federal Government in encouraging and coordinating the efforts of the States toward safety programs. Both of the bills under consideration would achieve these ends, in our opinion.

As we turn to national traffic safety standards, and more particularly to motor vehicle safety standards, we are considering the area which

offers the greatest opportunity for leadership. But with leadership goes a grave responsibility. The authority to guide the research of a consumer goods industry should not be taken lightly. The final answer is always given by the consumer, and one job in seven in our economy will be touched by the decisions reached.

There appears to be a general agreement that vehicle safety standards are necessary because of the urgency of the situation. The record before this committee supports the Federal Government taking some action. The question is whether such action should follow the theory of H.R. 12548, which contemplates certification, or of H.R. 13228, which contemplates sanctions.

May I state three assumptions which it is believed a majority and possibly all members of this committee would support? They will be referred to as the A assumptions.

1. We are justified in placing confidence in a buying public, which has been alerted and informed regarding safety standards applicable to new motor vehicles, to bring pressure on automobile dealers and manufacturers to qualify for certification of their new products.

2. Under our competitive system, the manufacturers, faced in the marketplace with a buying public requiring certified products, will either meet or exceed the federally prescribed motor vehicle safety standards, so as to qualify their new products for certification.

3. The Federal Government should be in a position to lead the national effort in research and traffic safety and to establish safety standards, unrestricted by known technologies, and, by dissemination of information to lead in providing assistance to the buying public in its quest for safer motor vehicle travel.

I believe a majority would agree with all three of the A assumptions.

May I now state three assumptions which it is believed a majority and possibly all members of this committee would refuse to support. They will be referred to as the B assumptions.

1. The buying public, despite present and continuing information regarding motor vehicle safety standards and their relation to personal safety, does not actually care about safety; and the buyer cannot be expected to inquire and insist on evidence that a new car which he is considering purchasing meets Federal safety standards.

2. The manufacturers are not really interested in safety and are not responsive to competitive forces in the market; and only if they are subject to sanctions in the form of fines and seizures will they undertake to incorporate in their new vehicles the safety features necessary to meet Federal safety standards.

3. The Federal Government should confine its activities to administration, inspection, and policing the traffic safety program and, in view of sanctions, avoid a role of leadership in improving motor vehicle safety standards based on advanced technology.

I believe a majority would refuse to support all of these B assumptions.

While I am not in a position to ask questions, I am confident that a majority of this committee would support the A assumptions and refuse to support the B assumptions. If this is correct, then a majority should favor the theory of certification rather than the course of sanctions.

The theory of certification is premised on confidence in the native wisdom of the buying public, on the competitive instinct of a manufacturer to produce a motor vehicle more acceptable to the buying public than the product of his competitor, and on a preference for the Federal Government having a role of leadership rather than the image of a policeman in this area of public interest.

We feel strongly that the best approach to this subject is contained in sections 6 and 7 of H.R. 12548, which provide for the establishment of national traffic safety standards and for certification of motor vehicle manufacturers when they comply with the provisions of the standards.

The certification procedure would allow the use of a highly flexible set of standards enabling the Federal Government to lead the industry to significant improvements in vehicle design. This is possible because the agency need not be concerned about current levels of technology, but can establish standards acting on the needs indicated by the facts generated by the agency's investigation of the causes of accidents. The establishment of these standards in advance of current technology would place the technical requirements for safety clearly in focus and enable the research facilities of the country to compete for solutions.

The first manufacturer to generate a solution could be certified to the competitive disadvantage of his noncomplying competitors. We have had a horsepower race; why not have a safety race?

Contrast this with the alternative route of safety standards coupled with enforced sanctions. The Secretary's role is reduced to recording the industry consensus with little opportunity to lead. The Secretary will find it most difficult, if not wholly impractical, to establish a vehicle safety standard that is beyond present technology in the industry.

In addition, the force of circumstances will in most instances require unanimity among the manufacturers in agreeing that it is feasible for each to design into all of their new products the safety feature in question.

It must be realized that, in the absence of such unanimity, the Secretary may be faced with issuing a Federal motor vehicle safety standard with which one or more manufacturers state they cannot qualify, and subsequently having to either enforce sanctions or to witness shutdown of production and resulting unemployment.

There is another problem inherent in sanctions we believe. That is the difficulty of determining well in advance of production whether or not a new product or a new model will comply with a Federal standard. Unfortunately, writing of engineering standards is an imperfect art. It is very difficult to express clearly the result wanted in terms of tests. Particularly when these tests involve complicated electronic instrumentation and two tests run by different people may give different results.

As a very simple example of a manufacturer's dilemma in interpreting standards, let me quote from the 1965 GSA standards related to padded dash and visors for automotive vehicles.

The instrument panel, including the padding assembly, shall not contain any sharp or protruding rigid edges.

The sun visor mountings shall be designed and located to provide a reasonable degree of head protection. (Federal Register, June 30, 1965, page 8322.)

Visualize, if you will, the problem of a manufacturer to determine whether the edges of his instrument panel are sharp or protruding or whether the sun visor mountings are designed to provide a reasonable degree of head protection.

Obviously, he must obtain a prior commitment related to his design before it is ever offered on the market or else assume critical financial risks.

This onerous situation exists whether the sanction consists of fines or of the stopping of production. It would appear to us that this problem of prior approval should be examined in detail before sanctions are even contemplated.

I am sure that Members of Congress appreciate that model changes, for which the U.S. automotive industry is unique, have increased sales and hence supported the employment of increasing numbers of skilled and unskilled employees.

The development of a new model and the establishing of related standards by an automobile company, as well as its suppliers, is a demanding complex function. It operates on an extremely compressed time scale.

The use of mandatory standards coupled with sanctions, particularly in view of the substantial penalties for infractions, can only result in lengthening of the time scale. The costs and time associated with the prior approval problem may well result in narrower product lines and fewer changes inevitably followed by less sales, less production, and less employment by the automobile industry.

I do not wish to minimize the urgency of reducing the loss of life in traffic accidents by alluding to reduction of employment, but I do propose going about our task in a manner which lessens the risk of reducing employment.

Another hidden danger is that anything which adversely affects the time scale tends to minimize the participation in the automotive industry by independent suppliers of components and parts. There is an inevitable lengthening of time schedules when working with an outside source.

A specific example of this lengthening is the duplication of test times on the part of the supplier and the customer. An automobile manufacturer confronted with prior approval requirements could well be forced to reorganize his supplier purchasing policies so as to save the time now devoted to working with independent sources of supply, and use this time to meet his compressed schedules.

Although certainly unintended by the committee, this would reduce sales and, in some instances, eliminate suppliers, many of whom are small- or medium-sized businesses, ill equipped to cope with this situation.

I do not question the motives of sponsors of H.R. 13228 for I would expect them to be substantially the same as those sponsoring H.R. 12548. It must be appreciated, however, that this is a complex and delicately balanced industry involving a product with thousands of parts and a product over 50 percent of which is purchased by the manufacturers.

Further, as acknowledged by Secretary Connor, this legislation is unprecedented as it proposes establishing performance standards for a consumer product. Actual application of the various proposed bills to the industry and the responsibilities being undertaken by the Government merits detailed study before seriously considering the use of sanctions.

On the basis of the analysis previously reviewed, I recommend for your consideration the rejection of sanctions and the incorporation of the theory of certification into the legislation voted out by this committee.

Under the certification alternative, the Federal Government can devote its attention to leading the campaign and the full competitive forces of the automotive industry will be unleashed in the production of motor vehicles incorporating advanced safety design and devices for a safety-conscious buying public.

If we really believe that the outcome of the battle for safety will depend on Federal Government leadership, then let the Government take its place in the fore with certification, not put itself in the rear to prod the stragglers with sanctions.

I have tried to point out in this statement the substantial participation of the independent supplier in the automotive industry. Because of his flexible approach, because he has been conditioned in the past to accept change, indeed to create it so that he might exist, we believe he can contribute materially to the solutions needed.

In no way do I want to minimize the importance of the contributions of the automobile manufacturer. Without his large staff of engineers, his huge facilities for testing and development, and his overall responsibility for car design, the automobile would not exist today as we know it.

We realize in some respects we have deviated from the position of the Automobile Manufacturers' Association. We have tried, however, to give you our views as conscientiously as possible.

I believe our objectives are the same as those expressed by industry representatives. We only differ in approach and this perhaps testifies to the complexity of the subject.

In one further respect we may also differ from the Automobile Manufacturers' Association. We understand it has been suggested that any manufacturer should be permitted to use any patent needed to meet a Federal standard, limiting the patent holder to the collection of reasonable royalties rather than an injunction.

We would hope that Congress would not feel it necessary to remove the traditional protection granted to one, who through diligent effort creates a proprietary right and stands ready to supply the improved item to the market.

To sum it up, we are for the Government playing an active role in ending deaths and injuries on the highway. We believe that the job can only be accomplished by the Federal Government leading the way on a national basis. We believe that improvements can be made in current automotive design which will contribute to this end. The real problem now is to provide the information which can focus and stimulate the research and development programs in both the public and private sector.

It is also vital that there be a communication channel between the research and development activities of the manufacturers and suppliers and the Federal Government. To this end we suggest legislative provision for an Industry Advisory Committee to assist the appropriate Government official charged with the responsibility of establishing motor vehicle safety standards.

We believe that on this committee should be represented all sectors that are potential contributors to this safety program including the independent supplier. There is precedent for the creation of an Industry Advisory Committee to assist a Government department.

The Defense Department has established several Department of Defense Industry Advisory Committees. Members are technically qualified and they have functioned effectively in an advisory capacity.

In addition, in that section of the report on the President's Committee for Traffic Safety which is devoted to engineering, it is clear that the Committee envisioned industry taking an active role in the formation of standards. Statutory authorization of an Industry Advisory Committee is a means of implementing the statement of Senator Ribicoff before this Committee,

Only an enlightened and healthy three-way partnership which includes the Federal Government, the States, and private industry can give us the safe highways we need and deserve.

The effective functioning of such a Committee could substantially increase the speed with which solutions would be attained to the problems in the safety field.

The question as to whether the subject of highway safety can most efficiently be administered on the Federal level by a secretary of a department or by an administrator of an agency, involves phases of political philosophy on which the members of this Committee are much more expert than am I to comment.

I can only observe that at this stage, where adequate facts are lacking and considerable creative policy is yet to be established, I would prefer the alternative which preserves the influence of this committee in determining the future course of action.

Mr. Chairman and members of the committee, I thank you for an opportunity to present these views in behalf of one of the independent suppliers to the automobile manufacturers. It is reassuring to observe the diligence with which you are considering the subject of traffic safety.

The CHAIRMAN. Mr. Eames, we want to thank you for coming and giving us the benefit of your views in very specific terms.

Do you feel that this Committee should deal with all three phases, the safety of the car, the highway and the driver all together?

Mr. EAMES. Yes, I do.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

I am sure you have had much more dealing with the Federal Government, than I have because I have been working in the State courts. You are familiar with my case for an agency and an administrator, a man you could deal with as the aviation industry deals with the FAA Administrator.

Mr. EAMES. Yes.

Mr. MACKAY. Do you think this is a good idea, or that the other route the administration proposes is all right?

Mr. EAMES. I think the leadership of the Government in this thing is what is the most wanted, essential item. I think your point, that an administrator would personify the Government in this, would be a very forceful item and would be very helpful.

Mr. MACKAY. We have asked the automobile industry to furnish us specific statements of what they envision as safety standards because the automobile has become such a sophisticated piece of equipment it has almost gotten away from the layman in terms of definition.

Most of the State laws say you have to have a horn, brakes, rear light, turn signals, that sort of thing. These, of course, are not adequate for the speeds and power we now employ. I think it will be of particular help in the markup of this bill to have your industry's view of how the standards ought to be stated.

We are moving into a phase of this legislation where we really need help from people who have a lot of technical sense.

Other representatives from the suppliers expressed an acute fear of vesting the power in a single cabinet officer. Obviously they wanted to have the benefit of group judgment. You did not speak to this in your statement.

Mr. EAMES. I did comment on the industry advisory council. We would feel that something along this type of thing would be highly desirable, to be able to communicate the technical requirements to the agency or the Secretary, whoever might be involved.

Mr. MACKAY. Advisory is one thing. They were complaining about vesting the ultimate power in one man. The automobile industry said they had no objection to vesting it in one man.

Mr. EAMES. It would seem like ultimately you will have to have the power in one man. I can't see how you would get around that particular point.

Mr. MACKAY. The other question is this: As I understand it, the automobile manufacturers asked for guidelines for the Congress to set which would limit the executive department in the kinds of standards they would fix.

That is the proposal I would like for you to consider further and let us hear from you about it.

Mr. EAMES. We would certainly like to study those guidelines. As yet, we have not seen them. We would certainly be very interested in taking a look at them and letting you have our opinions.

Mr. MACKAY. Thank you for all the help you have given my office in trying to understand this issue.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

Mr. Eames, in your "B" assumptions, while I recognize you say a majority would refuse to support all these "B" assumptions, are we to take it that you support the "B" assumptions?

Mr. EAMES. No, sir. We do not. I am sorry if I didn't make that clear.

Mr. YOUNGER. I thought we ought to make that clear because I am sure you would not want to have the record show that you believe that the manufacturers are not really interested in safety.

Mr. EAMES. No. I think that is the negative position and we most heartily disagree with that, and believe that the "A" assumptions are the real secret to this thing, that the buying public can and will exercise a vote for safety if they are given a chance to vote on it.

Mr. YOUNGER. But also the manufacturers are not essentially interested in killing their buyers.

Mr. EAMES. Absolutely not.

Mr. YOUNGER. I have one other question. You mentioned about the Federal Government taking the lead in all three of these phases. Do you believe that the licensing of drivers should be transferred to the Federal Government?

Mr. EAMES. This is a matter that I have not, unfortunately, given a great deal of study to, and I can only speak with a very short look at it. It would appear to me that there should be a greater amount of standardization as far as licensing is concerned.

I think there is certainly a need for Federal-State cooperation that would bring this about. I wouldn't care to comment as to how you would go about doing this.

Mr. YOUNGER. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Farnsley.

Mr. FARNSLEY. Thank you, Mr. Chairman.

As I understand the rules, I am allowed to make you a 5-minute speech, if you don't mind, Mr. Eames.

I am part of the Federal apparatus, a very small part, and I sit a foot above you. The way I feel about the record of the Federal Government that we are all so trustingly going to put in charge of standards is that their record, on the highway bill, is not a very good idea. I ought to be sitting a foot below you.

We build superhighways and don't light them, whereas, all the studies show that you reduce fatalities probably to one-third, not by one-third, if you light them, and it would probably cost less than one-half of 1 percent of the cost of the highways if you do it when you build them and very little more if you do it after you build them.

We then build secondary highways where we let automobiles doing 60 miles an hour each come at each other. Sometimes we drap stripes and say "Stay on one side of the stripe." Add the two speeds together and you have 120 miles per hour. Of course, at night we don't light the highways and we have automobiles shining lights in our eyes.

The Federal Government doesn't want to kill its taxpayers any more than the automobile industry wants to kill its customers. It is nobody's fault. Nobody is bad and nobody is evil.

Secretary Connor, who this thing is under, told me the other day that they have to consider all the demands and values; that there isn't any money left over for lights except in a very few places. I don't think they have ever studied how much less it would cost them to make a one-way system for their secondary system compared to widening them to four lanes. It is simple; it is clear.

If the Federal Government would light the highways and set an example for the States and the cities, and make them one way, it would cut the death toll certainly by more than half.

We kill 50,000 people a year. We seriously cripple 1,800,000. That doesn't mean they are crippled for the rest of their lives. Some of them can get up and get around, but they are probably in a hospital.

This is every year.

We injure perhaps 3½ million. This is every year. Your chances are slim if you don't keep your seat belts fastened. You ought to have shoulder harnesses. You ought to write a letter to your Congressman and to the Bureau of Public Roads and the President saying, "What about at least giving us a logical reason why you don't light the highways and why you don't consider making them one way instead of two way?"

I listened to your talk and you listened to my speech. I will give you some propaganda.

Mr. MACKAY. Will the gentleman yield?

Mr. FARNSLEY. Yes.

Mr. MACKAY. I agree with everything you said.

Mr. FARNSLEY. Thank you.

Riding on our highways is like playing Russian roulette.

If you don't read this, I will come back and haunt you.

Thank you.

The CHAIRMAN. Mr. Eames, again I want to thank you for coming before the committee today. This adds another very important part to our record. I am certain that the members of the committee will carefully study the information you have submitted.

I know you gentlemen have come before the committee at your own expense. Again, I certainly want to commend you for that. We appreciate your taking that time.

Mr. EAMES. Thank you, Mr. Chairman.

The CHAIRMAN. If there is nothing further, thank you.

Mr. EAMES. Thank you.

The CHAIRMAN. The committee will stand in recess until tomorrow morning at 10 o'clock.

(Whereupon, at 5:15 p.m. the committee recessed, to reconvene at 10 a.m., Friday, May 13, 1966.)

TRAFFIC SAFETY

FRIDAY, MAY 13, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10:30 a.m., pursuant to recess, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

Mr. VAN DEERLIN (presiding). The committee will come to order. This is a continuation of the hearings on auto safety.

Congressman Mackay, will you present this morning's witness, please?

Mr. MACKAY. Thank you, Mr. Chairman, for this privilege. This is a very interesting conclusion for me for these traffic safety hearings. In late December the wire services ran a story that said I proposed to introduce a bill to establish a national traffic safety agency.

I received a long distance call from our guest here, Mr. Tom Triplett, who said he would like to fly over to Atlanta to talk with me about it. Of course, I was pleased to see this interesting response. He did fly over. Since then he has consulted with me and my staff about this. I discovered that we have, with us here, a man who is a very successful businessman in his own right as a bridge builder, and a man who tried to arouse the Jaycees of South Carolina to do something about the great loss of people, and particularly young people, on the streets and highways.

Among his many creative and imaginative ideas was the thought that you could rate automobiles on the basis of their actual performance in terms of safety. That is an interesting idea.

He traveled to Detroit and he has also talked to the insurance industry. He was a one-man crusader on this subject. He told me something that has proved true: He said that this new interest in Congress concerning the field of traffic safety was going to elicit a phenomenal response from the American people; that this was a bona fide issue; that the American people cared about it. As he put it, people would come out of the woodwork to go to work on this problem. I think he was rather prophetic, because none of us dreamed that there would be the public response that is now evident throughout the country.

It is a real pleasure to welcome Tom. He has a very able Congressman here, Mr. Tom Gettys, who regretted that he had to be in South Carolina to make sure that he stays up here. Otherwise, his own Congressman would be here to present him. But I am sort of glad that he is out of town because I have this opportunity to express my appreciation for his contribution to the cause of traffic safety.

Mr. Tom Triplett, of Chester, S.C.

STATEMENT OF TOM TRIPLETT, CHESTER, S.C.

Mr. VAN DEERLIN. Would you proceed, Mr. Triplett?

Mr. TRIPLETT. Thank you, Mr. Mackay.

Mr. Chairman, actually I came here to testify last week and realized when I saw the condition of the committee and the workload that that would be difficult. But I was very pleased to be invited to submit my testimony, although unable to testify.

The Charlotte Observer and the Chester newspapers, and several others, picked up the story. They had a little statement in there that I didn't get to testify. This seemed to arouse a good many people in Chester. This probably took place because of the campaign that we ran several years ago with the Jaycees. We have terrific interest in Chester, S.C., and the surrounding area in this thing, and whereas for the past 8 years it has been more or less a passive interest when this story came in the newspaper the thing kind of exploded. Actually, I must admit, Mr. Mackay, that I was a little surprised at how many came out of the woodwork myself.

As a result of this, I am back here today and although last week I had intended to file my statement and make a few brief remarks and submit to questioning, now I feel a responsibility because there are so many people involved.

I feel a responsibility to verbally deliver my testimony to you. With your permission, I will proceed.

Mr. VAN DEERLIN. You may proceed as you wish.

Mr. TRIPLETT. Gentlemen, the magnitude of this opportunity is overwhelming. It is a privilege to strive with you. May the Lord direct our striving.

Let me assure you that I fully appreciate the seriousness of our problem. At times, my natural vernacular of communication may appear humorous, but I am completely serious.

Picture with me, for a moment, the White House. Secretary McNamara is seated across the desk from the President and he is saying something like this, "Mr. President, I am willing to give it my all, but frankly I really don't think that we can defend this country." What a ridiculous picture. We all know that under these circumstances, Mr. McNamara would be replaced immediately.

Picture again the Secretary of Agriculture seated across the desk and saying, "Mr. President, I'll give it my all, but I am afraid the farmer has had it." Again a ridiculous picture. An intolerable picture. Yet in the field of safety, almost every safety official predicts his failure in his acceptance speech and we permit it.

There were many soldiers in the armies of Israel who would have been willing to go out and die in the attempt to kill Goliath but magnificent martyrdom was of no service to the nation. It was imperative that David not only be unafraid and willing but that he believed that he could do the job at hand. As head of our National Traffic Safety Agency, we need such a man now.

As all good lawyers know, it is human nature to build up a problem before we solve it. We take a problem and before we actually attack it, we go to the people involved and explain to them just how great and how complex this problem is. Then at the last minute, we pull

the chestnuts out of the fire. Let me say this: We have built this problem big enough, and it is time now for the solution.

Let us start with the seed of the system. The automobile is the seed of our transportation system. This is the seed that has produced our great economy—our wonderful Nation—and the many good things which we have.

However, at the same time, this is the seed that has produced the death and destruction, crippling, and maiming which we are experiencing at this time. There are many lesser areas of this problem which also need adjustment. However, in revamping the system, we must necessarily start with the seed.

Now, what approach should we take to assure success? We live in the world and we made it not—and we make not the laws of the world—but seek out the laws that were made. One of these laws is as follows:

Belief is necessary to success. We have already mentioned this. Another of these natural laws states thusly: The sane driver with or without insurance is in fact two distinctly different drivers. But the main law that we should consider here is this law—collective cooperation in our automobile industry is no match for the competitive striving of our free enterprise system. People simply don't produce when they don't compete. Yet, we in this great Nation of free enterprise and competition, fully realizing the great power of our system, have been content to attack the traffic safety problem with collective slumbering. "Mama, our son is dead" 50,000 times a year. We cannot continue on this path.

Our problem lies in the incompatibility of our machines with our people who use them and the compounding of our problem is in the cry of "redesign the people who drive," and the compounding of the compounding of the problem will be in the cry of "redesign the people who make them."

We need a traffic safety agency and we need to research our problem from end to end, but we don't need to relieve the manufacturer of his natural responsibility for the performance of his product.

You may think that the manufacturer is afraid of Government regulation but the cry you are hearing may be "Brer Fox, please don't throw me in the briar patch." If the Government assumes the responsibility of safety design in our vehicles, the manufacturers will join together for another 30-year snooze under the veil of Government sanction and in thousands of courtrooms across the Nation wronged individuals will encounter the stone wall of "Our product meets Government standards," and an already compounded problem will be recom-pounded.

What we do need is for our Government to shine the light of free enterprise on our four star players: General Motors, Ford, American Motors, Chrysler, and to arouse them to the task of competitive striving with our safety problem.

To do this, we need only to devise a plan which will clearly indicate to the people, which manufacturer is doing the best job now and which manufacturer is doing the worst job now.

It has always been a mystery to me why some one manufacturer does not stand up before us all and avow that he makes the world's

safest vehicle, and challenge his competition. It must be that each one feels in his heart that his product is the worst.

But when these same firms realize that we are about to attack this problem on the basis of results and competition, then the safety engineer won't even pick up until the stylist is on the phone and we will have embarked on the course toward a wonderful evolution which will increase the safety and efficiency of our transportation system beyond our wildest dreams.

No amount of Government regulation will ever make this dream come true. Any safety proposal which ignores "knowledge of results" is doomed to failure. Even if the Federal Government regulates safety design, we must necessarily have knowledge of results in order to tell whether or not our regulations are effective.

A blind man can throw but he can't improve his aim no matter how much he practices because he has no eyes to give him knowledge of results. This, then, is the key. Any approach we take which ignores this key of free enterprise is doomed to collective failure—and any approach we take which includes this key of free enterprise will succeed.

American Motors, Ford, Chrysler, General Motors—arise four sleeping giants—for there are those who would chain you while you slumber and we are here with the chains.

Gentlemen, the information which I have attached to this testimony is some information which we used several years ago in a program sponsored by the South Carolina Jaycees. I hope it is self-explanatory.

Thank you.

(Documents referred to follow:)

"THINK AND LIVE" PROPOSAL

The automobile accident rate is affected by three things: drivers; surrounding conditions such as highways, weather and traffic; and automobiles. Here is a safety plan aimed directly at improving automobiles and indirectly at improving drivers.

WHAT IS PROPOSED?

It is proposed that the United States Department of Commerce publish each year as soon as possible, a chart which is authentic and approximately like the fictitious chart which is enclosed. This chart should be released for publication by newspapers, magazines, and advertisers with a stipulation that it be published in its entirety or not at all.

HOW WILL THIS HELP IMPROVE AUTOMOBILES?

The automobile manufacturers in this country are capable of producing almost any type machine which the public will buy. Part of our present dilemma lies in the fact that the public has no way of comparing the relative safety of different machines. Therefore, it is impossible for the consumer to express a preference for safety to the manufacturer through his buying habits. If the proposed information were furnished the consumer, he would then be in a position to buy according to safety performance if he so desired. This, in turn, would give every manufacturer the opportunity to build a safer car since he would be assured that if his efforts were successful, the public would be well aware of the fact and would, therefore, reward him accordingly.

HOW WILL THIS HELP IMPROVE DRIVERS?

The proposed plan should influence drivers to "think safety" while in the process of buying their automobiles. This would be extremely helpful in getting the driver off to a good start since, as long as he owns a particular

automobile, he will remember the day he bought it and the various forces which motivated him toward his choice.

The appearance of obvious safety features in automobiles (such as seat belts, roll bars, and speed warnings) would make a lasting impression on our children. This should help eliminate the necessity of having a talk with Johnny on his sixteenth birthday to inform him that automobiles are dangerous.

Each driver could identify himself through the make car he is driving and, therefore, compete competitively safety-wise.

Perhaps the most important contribution this proposal has to offer is controversy. This is the ingredient most lacking in our national safety program. The terrific controversy involved in publishing the proposed figures should generate safety talk and safety thinking to a degree never before experienced.

We, the undersigned drivers have studied this S.C.J.C.C. "Think and Live" Proposal and do hereby petition for its adoption:

Name

Address

Please return to:

S.C.J.C.C. Chairman, "Think and Live"

P. O. Box 297

Chester, South Carolina

The following information is published by U.S. Department of Commush in the public interest.

Figures shown are the sum total of those reported to the Department by the various state highway departments.

Only 1960 model automobiles are reported in these figures. All figures are total reported as of 12:00 P.M., December 31, 1960.

(Col. No. 1)	(Col. No. 2)	(Col. No. 3)	(Col. No. 4)	(Col. No. 5)
Make of car	Registered in United States	Reported in accidents in United States	People re- ported riding in col. 3 cars at time of reported accidents	Col. 4 people killed or injured ¹ in accidents
Corvair.....	261,324	52,258	104,616	7,203
Shovel A.....	1,654,389	278,158	553,129	30,975
Pointiac.....	450,206	76,535	154,206	8,102
Oldsmobile.....	402,612	68,504	136,904	8,361
Bewick.....	307,804	49,248	100,215	6,080
Catalack.....	158,901	23,835	47,012	2,625
Falcon.....	508,211	91,477	183,609	10,608
Cornet.....	215,685	32,354	64,105	3,670
Phord.....	1,600,201	288,036	560,126	29,568
Mercurree.....	172,396	25,862	51,209	2,788
Linkun.....	23,421	3,278	6,412	412
Plimouth.....	560,127	89,620	180,695	10,745
Dodge.....	422,619	67,619	135,209	7,105
Khrystler.....	106,219	15,932	30,216	1,680
Ramler.....	503,194	74,479	158,021	7,126
Larke.....	102,916	18,524	36,895	2,135
Misc.....	302,111	57,401	115,216	7,060

¹ Admitted to hospitals.

SPEECH GIVEN BEFORE SOUTH CAROLINA JAYCEES IN 1962 BY TOM TRIPLETT, RESULTING IN ADOPTION OF "THINK AND LIVE" BY SOUTH CAROLINA JAYCEES

President Jim, Honored Guests, Young Men of Action, I will take this opportunity to speak in behalf of the South Carolina Junior Chamber of Commerce project, "Think and Live". We believe that faith in God gives meaning and purpose to human life.

This all important statement is the very heart of the Junior Chamber of Commerce. It was added to our creed in 1951, placed first because Bill Broun-

field, the author of our Creed, realized the importance of this all inclusive statement. Brounfield's original Creed had been adopted by the Chamber in 1947, but Bill realized that he had missed the heart of the matter and continued to search within himself until at last he brought forth this most noble statement expressing the very essence of Jayceeism. We believe that faith in God gives meaning and purpose to human life.

Now, Gentlemen—If human life, through faith, has meaning and purpose, then it follows as the night the day—that human life is worth saving. Not just my life, not just your life, but every human life which knows faith, for therein lies our inspiration—and every human life which knows no faith—for therein lies hope and if this life be lost, then hope is lost, and a soul is condemned to be without meaning, without purpose, forever. There can be no doubt then, human lives are worth saving.

Now, we believe that the brotherhood of man transcends the sovereignty of nation. A look at Webster.

"Transcend" To rise above or beyond the limits or powers of—To overpass—To exceed.

"Sovereignty" The supreme political power of authority.

Then brotherhood must rise above and beyond the supreme political powers and thereby lead the way. Brotherhood is defined as the relationship of brothers. For more light on this relationship, let's refer to Genesis.

"And Cain talked with Abel his brother and it came to pass when they were in the field that Cain rose up against Abel his brother and slew him. And the Lord said unto Cain, 'Where is Abel, thy brother?' And he said, 'I know not. Am I my brother's keeper?'"

Keep in mind that this question was posed by Cain, an evil man. This loaded question, inspired of the devil, has been a stumbling block for well meaning do-gooders down through the ages. God in his wisdom chose not to answer Cain's question at that moment. But He gave us the answer time and again throughout the Bible. The answer Gentlemen, is no, irrevocably no. For if I am my brother's keeper, then he must be my keeper. Herein lies a pearl of wisdom. If you don't want a keeper, don't be a keeper. What then, Gentlemen, I am not my brother's keeper, but I am my brother's brother. Our relationship must be founded on love not on a feeling of superiority, and my brother must be informed, not made to conform. For brotherhood is founded on free choice.

We believe that economic justice can best be won by free men through free enterprise. The two great weapons of our society, Gentlemen. Free men, free enterprise. But are we using these weapons in our fight against death and destruction on our highways? We are not. Up until now, we have been content to leave the problem of traffic safety to government agencies and loosely coordinated committees of volunteers. Gentlemen, let's call in the "pro." The goal of the South Carolina Junior Chamber of Commerce project, "Think and Live" is to bring all the power of our great free enterprise system into the fight for life itself which is raging throughout the nation on every street and highway. To do this, free men must have knowledge. Knowledge of results—results of efforts put forth by free enterprise in open competition. Only this knowledge, the information called for in our "Think and Live" project, with its promise of reward for a job well done can provide the inspiration so vital in our free enterprise system. Up to now, the forces of lethargy hiding their lethal indifference behind their adage "A little knowledge is a dangerous thing" have been able to shroud the information we seek in a vale of warkness and confusion. Thomas Henry Huxley said this:

"If knowledge is real and genuine, I do not believe that it is other than a very valuable possession however infinitesimal its quantity may be. Indeed if a little knowledge is dangerous, where is the man who has so much as to be out of danger."

And I say free men everywhere desperately need this "Think and Live" knowledge which we propose.

We believe that government should be of laws rather than of man. In other words the principles which govern our daily lives should not be enforced for any one group and relaxed for another through some whim or weakness of the particular men involved. The point is simply this.

If it is wise to publish comparative statistics in an effort to bring pressure to bear on unsafe groups of drivers, if it is good to stir competition by comparing safety records of states or municipalities, if it is prudent to admonish even

the very days of the year by publication of their comparative lack of safety—if all the tons and tons of comparable traffic records of every conceivable nature are indeed valuable, then it must hold true that some knowledge of the relative performance of the lethal machine itself is most desirable and the information which "Think and Live" provides for should be made available by the proper authorities at once.

We believe that earth's great treasure lies in human personality. Gentlemen, it is my sad duty to inform you that our great treasure is being twisted, warped, broken and splattered on the highways of this nation at an appalling rate. As I speak to you now, some brother, sister, mother, father, child or grandparent lies dead on the highway. This creature created by God, a little lower than the angels has been reduced to a bloody broken mass and part of earth's great treasure is lost. During the course of a ten minute talk, two die and over two hundred and fifty are seriously maimed. Who are these people?

A bunch of silly drunkards?—a few maybe, but only a small percentage. There are bright eyed little girls, little boys full of eager anticipation for each new moment, brides and grooms, brilliant dedicated men and women in their prime like Dr. Jerry Bruce, President of the Idaho Jaycees, tired old men, sweet old ladies. Yes, Gentlemen, earth's great treasure is being squandered in this useless carnage right before our very eyes, while the forces of lethargy preach indifference and defeat.

But, we believe that service to humanity is the best work of life. Why? Why is this true? The answer is simple, Gentlemen. It is because service to humanity is the most rewarding work of life. Our "Think and Live" project offers every Jaycee the opportunity to perform a service to humanity of the highest order. Every hour spent on "Think and Live" means a better world, a better chance in life for ourselves and our children. We believe that "Think and Live" will provide the needed adjustment which will set the forces of free enterprise in motion squarely against death and destruction on our highways. Every Jaycee will take pride when the evidence of the fruit of our labor begins to show. When auto manufacturers begin changing their design, when roll bars, seat belts, safe door looks and other proven safety devices appear as standard equipment, when people everywhere start thinking safety and living safely, when the theme of hope replaces the confusion and cursing of the darkness, than all of us can take pride in a job well done.

Gentlemen, it is the eleventh hour. Rise up. With faith, hope and brotherhood we must rid ourselves of this terrible waste. We must make "Think and Live" the great success which we so sorely need. Let us light a light for all to see. Think "Think and Live." Live "Think and Live." Sell "Think and Live."

Rise up, rally to these noble words so often read, so often said, less often learned, less often lived.

We believe that faith in God gives meaning and purpose to human life; that the brotherhood of man transcends the sovereignty of nations; that economic justice can best be won by free men through free enterprise; that government should be of laws rather than of men; that earth's great treasure lies in human personality; and that service to humanity is the best work of life.

Thank you.

The CHAIRMAN. Thank you, Mr. Triplett. I am sorry that I was held up at the Capitol just now. This is important, not only to me but to every citizen in this land. I did get your closing statements and probably they are out of context from the rest of your statement.

I notice on page 5 of your statement you say:

No amount of government regulation or bureaucratic wondering will ever make this dream come true.

Mr. TRIPLETT. It is in the statement but I did not say it as I read my statement.

The CHAIRMAN. It is in the statement but you decided not to read it? Why not?

Mr. TRIPLETT. I just thought it over and decided not to have that in my statement.

As you know, Mr. Chairman, in our language it is very difficult to express a heartfelt thought. The meaning that I have here is that we simply must depend on our free enterprise system to foster and make our dreams come true. There is no way that I can see where government can regulate the generating power of dreaming engineers.

We can regulate on the basis of what we now have. But inspiration to our free enterprise system must come from the public and their marketing desires or their purchasing desires.

The CHAIRMAN. Might I interrupt you there to say this: Do you think the Federal Government should have no hand in this, no guidelines, that we should not say that we should set certain standards in trying to be helpful?

Mr. TRIPLETT. As far as standards are concerned; no, sir. I think the Federal Government has a very definite role here. I think we need a traffic safety agency to centralize the responsibility for this tremendous problem. This Agency needs to be involved in research and investigating the problem in all areas.

The CHAIRMAN. If we will be involved in research, we will not leave it up to the individual enterprise.

Why should we be in research, if we will not be in research to give them the benefit? Would we throw it out the window when we get through?

Mr. TRIPLETT. No, sir. I think the Government can help the industry.

The CHAIRMAN. You are saying something that I think is right. But you are saying here that we can't. Do you think we have been wasting our time here for 4 weeks trying to set some standards or regulations for America to help stop the slaughter on the highways of 49,000 people, which has been left up to the automobile industry and the States all these years?

Mr. TRIPLETT. Mr. Chairman, I think these hearings by this committee is one of the finest things that has ever happened to the American public and this Nation.

The CHAIRMAN. Then we do serve a purpose, do we not?

Mr. TRIPLETT. Yes, sir.

Mr. MACKAY. Would the chairman yield?

The CHAIRMAN. Not just now. Excuse me, I am sorry. This, to me, is important.

I only got the last part of your statement, but to me it just goes against everything we have been trying to do and everything we have been pointing up, against all the evidence that has been coming in, and everything that the automobile industry sat in those seats and said themselves.

After all, they are the people who produce these cars and this land and not you and not me. They said we do need something, and they sat right there and said it.

What would you have to say about that? They are wrong, are they?

Mr. TRIPLETT. No, sir. I would say this, that it is going to be extremely a tricky area for the Federal Government to assume the responsibility for safety standards without relieving the automobile industry from their natural responsibility for the performance of their product.

The CHAIRMAN. We do not intend to do that. We intend to leave it right where it is: with the automobile industry. I think if this committee and this Congress does not take some action we might as well absolve the committee and say we have nothing to do in this area. That is my feeling on this thing.

We do not intend to take over anything. We do not intend to take the prerogative away from them. I will see to that, if I have anything to do with it as chairman of this committee. But I think there is an area in America where the Federal Government can cooperate with the States, the agencies, and the automobile industry for which you are speaking now. They sat there and said that we had a role in this thing, and that we should. I don't know how experienced you are that you should say they are wrong and say that the Congress is wrong.

Mr. TRIPLETT. I didn't intend to project any such meaning, Mr. Chairman.

The CHAIRMAN. All I can say is what I see at the end of your statement. I am sorry I did not hear the rest of your statement. I might have been different in my attitude if I had. I will be honest with you. But I do think that there are 33 men who sit on this committee representing 33 districts in America, and delegated to them is the power, and not only the power but the responsibility, to do something about this accident problem.

Your State and my State lead in a lot of these things. Maybe we do not want to abrogate anything that our State is doing, but I think sometimes they need something to go by and to be awakened to their responsibility.

It has been found out through the years that when the States do not accept their responsibilities, then the Federal Government has to step in. Your people travel out all over America and my people do too, in my State. They are a part of the interstate commerce of this land. There are different ways of attacking this, and that is the reason I do not want to talk any more about it.

I will read the rest of your testimony.

Mr. TRIPLETT. Mr. Chairman, would you permit me to say this: I definitely feel that this committee definitely is the proper place for the problem to be considered and for action to be taken, and we definitely need action.

As you know, I have gone to some little trouble to get here.

The CHAIRMAN. I know you have.

Mr. TRIPLETT. If I didn't think this was the proper place I wouldn't have come.

The CHAIRMAN. I am sure of that. I appreciate the fact that you did come and are here. Of course, I am going to read every word you have said, I assure you, and the others of the committee will, to see exactly what you have said.

Mr. MACKAY. Mr. Chairman, since I presented this gentleman to the committee, I am sorry you were not here to hear my presentation, but he is a constituent of Congressman Gettys, who is in South Carolina. I do feel you misunderstood the crux of his testimony because you did not hear the first part of it.

He has been the most enthusiastic supporter of congressional action now and is for your legislation that is before us. I did hear him out

the other night when he did not get to testify. But, essentially, this is what he is saying, that if we shackle the industry and say you have to do 10 things in building a car, and we are going to take a car away from you, deny you the right to sell it, or fine you heavily if you do not do it, this can shackle the industry and relieve it from making safety the key to competition.

I believe he does generally favor the certification approach rather than the sanction approach because he thinks that Detroit ought to compete to build a safer car and not be relieved of the duty to compete.

So I do think there was a misunderstanding at that point. He supports strongly the intent of your legislation. I think the one point he has made was that we could handle it in a way that would stifle competition for safety.

So you have a friend in court here in Mr. Triplett.

The CHAIRMAN. Mr. Mackay, I would say this to you, that to tell us what to do here after we have heard everybody in this land is almost an insult to our intelligence. I am not saying that we are not glad to have this testimony, because we are.

Mr. Triplett, I am thankful that you came back and had the persistence to come back, because we wanted to hear you.

I am satisfied that the 33 men on this committee, after deliberation, will consider this carefully.

There is no one man on this committee who wants to shackle industry. I know of not one.

Mr. FARNSLEY. Mr. Chairman?

The CHAIRMAN. Do you have a specific question?

Mr. FARNSLEY. If it is not against the rules, I would like to sit by the witness as a witness. May I do that? I appeared before this committee on the beginning, but this brings in fresh evidence, and I would like to appear again by the side of this man, because I think he has raised a very important point which has not been raised.

The CHAIRMAN. Would you please proceed?

STATEMENT OF HON. CHARLES P. FARNSLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

The CHAIRMAN. Mr. Van Deerlin, have you any questions?

Mr. VAN DEERLIN. I am a little confused at this point, Mr. Chairman. Are we going to have some additional evidence from the witness' counsel?

Mr. FARNSLEY. I hope so. Shall I go ahead before he is questioned?

The CHAIRMAN. Yes, you may.

Mr. FARNSLEY. This gentleman has raised, perhaps not brilliantly but I think well, the question that perhaps the industry is in a fix.

He said Brer Rabbit told Brer Fox, "Don't throw me in the briar patch." This industry is a great industry, and I am not attacking it. As you know, I have attempted to bring Public Roads in as a code defendant. They are being sued for the Corvair. I think the first case was in my city, Louisville, Ky., when a rumble seat fell off of an automobile as they went over a railroad track. It was not very much of a bump.

As I learned in law school, this was a leading case, that the manufacturer was responsible in this case for not putting the bolts up. Now the question is up: Is the manufacturer responsible for inherent dan-

gerous design? If there are Federal standards, this man has said this brings an absolute wall against those suits, and he feels that the manufacturers want these standards. I think maybe he has a point.

I know I have seen in my State and in other States corporations under attack saying, "It is just terrible, but go ahead and create a commission to regulate us."

This is crucial to this issue. I do not think the Federal Government has shown any ability to set standards in anything. I think all they do is set up this barrier. As I have said, and I can prove, that Public Roads has not set safe standards for their roads. The automobile manufacturer is guilty of not providing for that second collision. Sure, their cars could be a little better avoiding the first. But they are getting better. Disk brakes, I think, would help, but there is an argument about this. But the second collision they have failed woefully to provide for.

If you have your seat belts fastened, your forehead is going to hit the top of the dashboard or whatever you call it. They have been selling what they call safety padding. But it is not. Somebody is going to sue them for holding this out as safety when it is not. It is not anywhere near thick enough; it is not safe.

These people have made this goof, and I think they should stand the responsibility. The Federal Government has goofed in setting up a system where you are bound to have that first accident.

Who were those people in the circus, the Calonas or somebody, who walked across the tightwire, five of them stacked up. It was extremely dangerous and difficult. I watched them do it. After years, finally one of them wobbled and they fell off. Sure, that was a driver error. But to fuss at that poor dead man is like fussing at our drivers.

Our roads, as I said yesterday, make it like Russian roulette, to drive on them. It is well-known what to do about it. We did it in Louisville 20 years ago. It is no trouble and it costs hardly any money.

But if you get on a two-lane road behind a truck, it is a constant cat-and-mouse game to try to get by. If it is a one-way, two-lane road, this is no problem, and if a truck sweeps a highway, as Representative Mackay said in a jackknife, it does not hurt anything if it is a one-way highway, because everybody is going in the same direction, at the same speed practically. But if it is a two-lane highway, it is disaster.

This fundamental fact that this gentleman has made ought to be considered by this whole Congress, as to whether or not we are putting an umbrella over an industry. It is a good industry.

The American automobile is the biggest bargain in the history of the world. You buy cameras, mowing machines, or whatever, and you do not get nearly as much for your money. We have standards for most everything, but we haven't for this.

But the courts, under the old common law and our statutes, hold them responsible. Now I think we should take a long time before we change that responsibility. I have talked longer than I intended to, but I feel this is very important.

In hysteria, we may make a big mistake.

He is ready for questions and I am.

Thank you for your courtesy.

The CHAIRMAN. Mr. Farnsley, I doubt if we will have any questions to ask of you because you are one of the great members of this committee and we have deep respect for you.

I would like to say this, that the question you have raised is not the direct responsibility of this committee, although we will consider it. But there is another great committee in this Congress which has been interested in the highway problem this whole time.

Your point comes directly under the Public Works Committee and they are now having hearings and have been having hearings. They have heard witnesses from all over the land the same as we have in ours.

This is in two parts.

Mr. FARNSLEY. I understand that.

The CHAIRMAN. But it is our responsibility, as Congressmen when it comes to the floor, to see what we think is right is put into that bill.

Mr. FARNSLEY. As soon as you explained that to me the other day, Mr. Chairman, I went over and appeared before that committee. But the other point I am making is whether or not we are putting an umbrella over the industry. That is certainly our responsibility.

It is a factor in whether or not we want to go into this at all, as to whether or not the automobiles are causing the accidents. I do not know how to avoid that. If I am right, that the highways are causing the accidents, that the only thing the automobiles have done is failed to put padded dashes and a few little things to help you after you are in the accident, this affects the whole fact of whether or not we should legislate at all. At least, that is my position.

The CHAIRMAN. I would say to you again, and I have this much faith and I know you do too, in the men who sit on this committee, that we will not put an umbrella over anyone.

Mr. FARNSLEY. Good.

You believe, then, you can set Federal standards and this isn't a defense in a lawsuit, to say, "We have met Federal standards"? That is what this witness said.

The CHAIRMAN. That is not the intent of this legislation.

Mr. FARNSLEY. I know it is not the intent, but is it possible?

The CHAIRMAN. It could be if we did not accept our responsibility here as a committee. But we do not intend to put that umbrella up, I assure you.

Mr. FARNSLEY. I am not questioning the committee. I am just raising this point.

The CHAIRMAN. That has been in my mind ever since we started.

Mr. FARNSLEY. Good. I have faith in you, sir.

The CHAIRMAN. That has been in my mind. But I do believe we will have to have some uniformity on different things across the land so that when you come out of Kentucky you know what to expect when you cross State lines, and when you buy a car here or there you have some right to expect certain standards in it.

I do not think there should be any umbrella put over the industry at all.

Mr. FARNSLEY. I am sure you don't, sir.

The CHAIRMAN. The responsibility lies right there.

Mr. FARNSLEY. I don't imply you think that. I say this is something to watch. This is a question.

The CHAIRMAN. I know that. This is crucial.

I have every faith in the private enterprise system in this land.

Mr. FARNSEY. Thank you, Mr. Chairman.

The CHAIRMAN. But we do have a responsibility, too, as Congressmen, because we have come into such a complex society today that if we left it in the hands of those individuals across the Nation without coordination, and, really, we are the only body who can coordinate, in a complex society at a fast-moving rate, with changes taking place overnight, we are the only ones who can do this.

Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Triplett, have you or have the jaycees in South Carolina undertaken to attempt any ratings of automotive safety by model and make as you suggest in this proposal of yours?

Mr. TRIPLETT. No, sir. That definitely would be a job for the Federal Government. They are the only ones I know that could compile that data.

Mr. VAN DEERLIN. You did not try it on a local basis, on the basis of information available statistically in South Carolina alone?

Mr. TRIPLETT. The only thing that we tried to find out and carry this idea to the people, was to find out just what the reasons was if the people of South Carolina deemed this type of information to be advisable, and if they would like to have this type of information.

It was our finding that the people of South Carolina, about 75 or 80 percent of those contacted, said they would definitely be interested in having this type of information.

Mr. VAN DEERLIN. It would be a sort of consumer report available for car buyers, is that it?

Mr. TRIPLETT. Well, not exactly. It would be a little different. It would be sort of that type of thing. But what we propose is a publication of actual results of what did happen without any conclusions drawn whatsoever. We figure that this would inspire considerably more investigation and considerable opinion.

We think that this would be just a natural followthrough on the thing, that the Federal Government would initiate the step of publishing the information of what actually did occur on the highway without drawing any conclusions and without fingering any one make or the other.

It would simply let the people make whatever use of this knowledge of results that they deemed advisable.

Mr. VAN DEERLIN. It is perfectly clear that in head-on collisions there might be 10 instances, to refer to your chart, in which "Shovel A" careened across a highway and smashed into an oncoming "Cormet," which was in no way to blame. Statistically, both cars would be involved legally in the traffic report. If you didn't try to reach any conclusions on the basis of these reports, there would be 10 "Shovel A's" and 10 "Cormets" involved in 10 collisions with 12 dead, so many injured, and so on.

You have to have accident reports translated and interpreted, don't you, to make the figure meaningful?

Mr. TRIPLETT. Actually, I think we could leave the interpretation of the information to the people of the United States. Our people have a phenomenal understanding of results. We are results-oriented. As

a proposition, for instance, we have a 500-mile race every once in a while and one car finishes three lengths ahead of the other at the end of 500 miles. This doesn't prove anything. It is not necessarily any real conclusion. But the people in this country understand results and they understand No. 1 and No. 2. They make their judgments. Their judgments affect their purchases.

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

I share some of the views of my colleague, Mr. Farnsley, and I think it is one of those cautions that we have to look to in framing any legislation.

That is all, Mr. Chairman.

Mr. FARNSLEY. Thank you.

The CHAIRMAN. Mr. Mackay?

Mr. MACKAY. Thank you, Mr. Chairman.

Just to review what I understand your position to be, you do favor the creation of an FAA-type national traffic safety agency to deal with the total phenomenon of the traffic accidents?

Mr. TRIPLETT. Yes, sir.

Mr. MACKAY. There are three titles, as you know, and you have expressed yourself as to title I and you have expressed concern about it. There is no question in your mind but that you feel the Congress should assign explicit responsibility to an agency of the Federal Government to do comprehensive research into every facet of the traffic accidents phenomenon?

Mr. TRIPLETT. This is correct.

Mr. MACKAY. Second, in title III, you favor the program of national leadership to develop uniform criteria in the State safety programs so that we can build a uniform traffic environment as nearly as possible throughout the country?

Mr. TRIPLETT. This is correct to a certain extent, although it would be my thinking that the national agency would need to function for at least a short time before attempting to establish State agencies because I am sure that they will go through a period of finding themselves and adjusting to the problem at hand.

Mr. MACKAY. Under title II, under research, we know, for example, that we haven't even pulled together the data which is available right now and computerized it and really made use of the information we have, not to speak of the types of data that could be acquired through special investigative teams.

What you are saying is that we need to get our facts straight before we start imposing anything on the States, is that right?

Mr. TRIPLETT. Yes, I think so.

Mr. MACKAY. With regard to title I, which I predict is going to be the real hard nut to crack in the minds of the committee because of its complexity, the agency bill provides for certification of vehicles that actually met minimum safety standards.

This does not preclude building a car with higher standards of safety, nor does it relieve makers of any legal liability whatsoever in terms of their obligation to the consumer.

The administration bill does put in tough sanctions and under it you can be fined so much a car; you can have the car seized. The

thrust of your presentation, as I understood it, was that we be on guard not to dampen competitive free enterprise, but to write the bill in such a way that it would provide an inducement to every inventor, every manufacturer of parts, every manufacturer of an automobile to try to make safety a selling feature.

In other words, to harness the idea of free enterprise to achieve safer vehicles rather than possibly to dampen competition. Isn't that really the thrust of what you are saying?

Mr. TRIPLETT. That is exactly correct; yes, sir.

Mr. MACKAY. I want to compliment the literary quality and eloquence of your statement. It may be that you have won the prize for the novelty of your presentation. I am very grateful for your perseverance in staying up here and running it by me another time.

Thank you.

Mr. TRIPLETT. Thank you, sir.

The CHAIRMAN. Mr. Keith?

Mr. KEITH. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Pickle?

Mr. PICKLE. I have no questions at this time.

The CHAIRMAN. We will come back to you.

Mr. Cunningham?

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

First of all, I wonder if you could give us very briefly, because of our limited time, your experience in this field, sir?

Mr. TRIPLETT. In this field? I am here to testify of a system, which is the free enterprise system. I believe this is the best system we have for solving all our problems, if we can get the system to properly function.

In this system we don't have experts and novices, we have solvents and insolvents.

Mr. CUNNINGHAM. I understand that, sir. There are millions of people who feel like you. I wonder if you have had some experience in the field of traffic safety.

Mr. TRIPLETT. Yes, sir. I started some 8 years ago trying to determine why a system as wonderful and powerful as our free enterprise system was making such a terrible mess in the field of traffic safety.

I investigated on that basis, of what is wrong, where is the system breaking down. I determined that the normal cycle of our businesses is for the manufacturer to make a product and the public discriminates on the basis of what they want, and by their purchasing discrimination they lead the manufacturer in the direction that the people are interested in.

But in this field of traffic safety, and more especially in the field of vehicle design, the public, up until now, has absolutely no method of discriminating in their purchasing of automobiles on the basis of safety. This leaves a break in the chain of the free enterprise system.

Mr. CUNNINGHAM. I understand the free enterprise system feature. I am wondering, have you participated in traffic safety? You mentioned the Jaycees. Have you worked in traffic safety programs in such organizations as that?

Mr. TRIPLETT. My experience in the traffic safety field all hinges around this free enterprise idea. I have read considerable of the congressional testimony, of the Roberts hearings. I have been to Detroit

and I talked with the safety people of almost every manufacturer. I have talked with insurance companies. I have approached the problem from that standpoint.

But as to whether or not a bumper ought to be thirty one-thousandths thicker or thinner, I don't claim to be an expert in that area. I am not a mechanical or automobile designer. I believe we have plenty of designers who are quite capable of giving us a product we desire once the people have a vehicle whereby they may indicate their desires.

Mr. CUNNINGHAM. I think you have offered some worthwhile information, particularly on page 4 of your statement where you say about them joining together for 30 years—

The manufacturers will join together for another 30 years snooze under the veil of government sanction and in thousands of courtrooms across the nation wronged individuals will encounter the stone wall of "our product meets Government standards" and an already compounded problem will be re-compounded.

This has been one of my fears and concerns, that everybody wants to get on the bandwagon now, even though since 1913, when the National Safety Council was formed, there have been millions of people volunteer in this field who are doing a good job across the country.

There are many organizations other than the National Safety Council that work in this field. They have been the ones that have actually done the real job in this field. As a matter of fact, our accident rate per miles traveled has gone down.

That has been one of my fears, that if we pass a bill leaving this primarily up to the Government, all these fine civic-minded people, these voluntary organizations, might throw up their hands and say: "Well, I guess the Government is going to take care of it."

In my opinion, the Government can't take care of it. We have to have these other people, these volunteers, in this field, or we are going to double or triple the fatality rate in this country.

I think you make a contribution when you make the statement I referred to.

So far as standards are concerned, the Government fleet of vehicles have so-called standards. They demand that the manufacturer put on certain so-called safety items, I think around 17. Yet we still have many accidents in the Government fleet.

I was surprised when I asked Secretary Connor what their accident experience has been as a result of the addition of these safety standards. I said, "What do your accident records show?" He amazed me by saying, "We don't even have a system of keeping records." That is a very fundamental thing in traffic safety, to keep records, to find out where the accidents occur and how they are caused.

We don't know whether the so-called 17 safety features have done anything or not. We know further that the Government is not all-seeing and all-knowing in this field because the Government has complete charge and control, for example, of our rocket missile program, and yet not long ago there were bugs in one of those vehicles and we nearly incinerated a couple of people up in the sky.

Is the Government able to take care of this problem? As I said, that is what concerns me.

One of our witnesses made the ridiculous statement, in my opinion, that the automobile of 1940, as compared to the automobile of today,

had no additional safety features. We know that is ridiculous, that there have been many safety features added since 1940.

I attack also this so-called second collision proposition because if we didn't have the first collision, which is due to driver error, or engineering on the highways, and other things, if we didn't have the first collision we wouldn't have the second one.

I believe you can make a car as strong as a Sherman tank and we wouldn't solve this problem. The Federal Government can suggest, in my opinion, safety features that are not now on vehicles and it would be fine and dandy. But they certainly should play a minor role in this because of the vast amount of work that is done on the local and community level in the so-called free enterprise procedure which you have alluded to.

Mr. Chairman, I believe that is all I have to contribute at this moment, unless the witness cares to respond to anything I have said.

Mr. TRIPLETT. I don't believe I have anything to add.

The CHAIRMAN. Mr. Rogers?

Mr. ROGERS of Florida. No questions, Mr. Chairman.

The CHAIRMAN. Our distinguished colleague from the State of Minnesota, Mr. Nelsen?

Mr. NELSEN. I have no questions, Mr. Chairman.

The CHAIRMAN. I would like to ask two brief questions. I know you are interested or you would not be here. You did respond to the invitation to come back.

I would like to have as briefly as possible just what role you believe the Federal Government should undertake in the field of traffic safety?

Mr. TRIPLETT. Briefly?

The CHAIRMAN. Yes.

Mr. TRIPLETT. The Federal Government is a directing agency of our Nation and, as such, must function when we have a problem as drastic as we do with the traffic safety. This is an extremely complex problem.

One of the problems now is that we have no centralized responsibility. We have an endless buckpassing-type operation. As a good Democrat once said, we have to have a place where the buck stops.

The CHAIRMAN. You are talking about Mr. Truman.

Mr. TRIPLETT. Yes, sir.

We have to have some place where some one agency, some one head has the responsibility.

I am looking at this thing on this basis, that the Federal Government, the people, and the industry, are all one nation. We are all one and the same. We are all working for the same thing. The best safety experts we have among us all are actually the people in Detroit. They are more capable of doing the job of vehicle design than anybody.

The thing is that, as a matter of practicality, as I said, we don't make the laws of the world. People work under certain rules as a matter of practicality.

The thing about our free enterprise is that you have to effect profits to inspire industry. To do this, there must be some knowledge of how well the individual industries are doing with the problem.

The CHAIRMAN. You are getting back into something else. I asked for our benefit as a committee what you thought the committee should do and what the relationship of the Federal Government should be.

You have just mentioned the car. Do you believe in the other two aspects of this, the highways and the driver, too?

Mr. TRIPLETT. Yes, sir.

The CHAIRMAN. It has been testified here that the car plays a very small percentage. We have to take that into consideration. Some have testified it is only 10 percent perhaps. Where does the other 90 percent lie and what will you do about those? That is what we are talking about, unless you are talking about the car alone. We have the overall problem of traffic safety.

Mr. TRIPLETT. I talked about the car, first, because I think the problem lies in the incompatibility of the driver and the car.

The CHAIRMAN. That is what I want to know. What is your suggestion about these highways Mr. Farnsley is interested in, and that we are interested in, and about these drivers who are drinking, who are not responsible?

We would like to have your suggestions, if we could, to write a better bill.

Mr. TRIPLETT. I will give you suggestions with regard to the highways first of all. It is an amazing phenomenon in our country that we, as a people, looking at the aggregate nation, almost completely finance our vehicles which have a relatively short life, 3, 5, 7 years and then we insist on virtually paying cash for our highway system. This is a 50-year facility.

The most conservative industry I ever saw doesn't pay cash for a 50-year facility. If you do this, you almost insure yourself of being 50 years behind. This is an observation of the highway problem from this safe free enterprise standpoint.

With our drivers, I think one of the problems is that we permit a man to divest himself of his material responsibility for an automobile accident. That is, he can buy insurance to cover all instances, whether he is involved in an accident that is his fault, whether he is all by himself and runs off the road, no matter what the condition. He can buy protection for his material responsibility, that is, his responsibility for his own automobile and his monetary responsibility for anybody he might strike.

Then at the same time we expect him to always keep foremost in his mind his great moral obligation to himself, his family and the public. My experience with people has been that this just doesn't work.

The CHAIRMAN. What is your suggestion? That is what I want to know.

Mr. TRIPLETT. I would suggest, first of all, that an agency be set up to study this problem, and then I would suggest that in the area of driver enforcement and trying to get better drivers we devise a plan whereby a driver who has absolutely been negligent and irresponsible must bear the material loss created by his negligence.

The CHAIRMAN. If someone is killed, he cannot pay for that. That is what we are after, these deaths on the highways, not the material loss. We are not even going into that. We want to know about these 49,000 people killed each year.

Mr. TRIPLETT. I just maintain that almost anybody who drives an automobile is more cautious if he happens to be in a vehicle that doesn't have any insurance on it.

The CHAIRMAN. I would not agree with that because I think some of those are the most irresponsible people I have ever seen. I just wondered if you had suggestions to the committee, hard and fast.

I think you have been a good witness before the committee. As I said, I came in a little late and I did see these words which I just could not understand, that no amount of Government regulation or bureaucratic wondering would ever make this dream come true.

I hope we are not doing bureaucratic dreaming here. I assure you I am not. I don't think any member of this committee is doing bureaucratic dreaming. We are not talking to the Federal Government but to the people of our districts, and the duties we were sworn to uphold to our people.

I think every person here will do just that, regardless of how many people have appeared. We know that it is up to us to make the decision when the final bill is drawn, as to what is right and what is wrong. When we come to a final decision, we are going to try to come to the proper decision.

I say to you again, Mr. Triplett, that we appreciate your coming here and giving us the benefit of your views. I know you have contributed an idea and ideas are what make the whole world go round.

You have a very faithful friend sitting with you, one of the most respected members of the committee, who was willing to come down and sit with you to help you in this idea.

Mr. FARNSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. I am sure you were adequately defended.

Mr. TRIPLETT. Mr. Chairman, may I say this: I have told some people, and this has been a terrific experience to me, just as soon as I can get out and get somebody by the hand, I am going to tell them how wonderfully our Federal Government functions. We have all been guilty of sitting down on the farm and snipping at people in Washington.

I am delighted with the functioning of this Government. It is an overwhelming experience. I feel that the confidence of the American people is well placed in this committee, this Congress, and this Government.

The CHAIRMAN. That is a great compliment.

Mr. FARNSLEY. Mr. Chairman, may I comment on what I think is a nugget in his answer? I am kicking myself for not having thought of it years ago, not that I could have done anything.

He suggests that we borrow the money, which is what we did in Louisville. This man was a mayor and with the Safety Council. I was a mayor and listened to the Safety Council and we did the things they recommended and it worked. He said that business borrows money. Goodness knows the Federal Government borrows it in other areas. They could borrow money to pay back out of their highway fund.

You asked him what to do about what I was fussing about, the two-way highways and about lights, and he says to borrow the money, make your secondary roads two-way, light your highways. You can

do it in 2 or 3 years. Then you have practically abolished that first collision. Somebody is going to wake up and sue those manufacturers for selling them a phony pad that they depended on and then got their brains bashed out. That will get them to put better crash padding in. They are already going to put collapsible steering wheels in. Maybe they will put in better crash pads.

But if you have just a seat belt and a good pad on the dashboard and a collapsible steering column on a one-way highway that is hit, it is almost impossible to get hurt.

The CHAIRMAN. I just want to say that after you have been saying this for so long, that I drive home now, and I will give you a practical experience, on the highway in part of Virginia, where the highways are separated by some distance, and in all the years they have been there I have never seen a wreck on those highways.

Mr. TRIPLETT. Virginia and California are the places where they do it.

The CHAIRMAN. I have noticed it.

Again I want to say to you, Mr. Triplett, we appreciate your coming, and I think you have added a great deal to the committee and have given it an idea which I think is completely worthwhile.

I want to assure you again that I am sure every member of this committee will try to do what he thinks is right in his own mind and in his own heart for the good of the country.

Thank you again for coming.

This committee will come to the end of its hearings on highway safety. It has been a long and strenuous hearing for a period of 4 weeks. I think they have been good hearings. I believe we have heard from a great cross section of America.

The responsibility now lies with the committee. We hope we can come up with a bill which will be to the benefit of all Americans, and which shows we have accepted the trust which has been placed in us to do a job for all of this land.

This hearing will now come to a close and we will go into executive session at this time.

There will be 5 legislative days for anyone to submit material for the record. The record will remain open for that length of time.

(The following material was submitted for the record:)

STATEMENT OF HON. CLIFFORD P. HANSEN, GOVERNOR OF WYOMING, CHAIRMAN,
SUBCOMMITTEE ON HIGHWAY SAFETY, NATIONAL GOVERNORS' CONFERENCE

Mr. Chairman, Members of the Committee, my name is Charles F. Schwan, Jr. I am Director of the Washington office of the Council of State Governments. The Council serves as secretariat for the National Governors' Conference. I am appearing here today on behalf of the Chairman of its Subcommittee on Highway Safety, Governor Clifford P. Hansen of Wyoming.

The matters of highway safety in general and vehicle safety in particular have long been of major concern to Governors and to the National Governors' Conference. In 1956, for example, led by then Governor Abraham Ribicoff, the Conference prepared a comprehensive report, "Highway Safety," which made recommendations for immediate and long-range actions to promote highway safety. In 1963, under the leadership of then Governor Paul Fannin, "A Guide for Highway Safety" was developed. This was a brief statement designed particularly for new Governors to acquaint them with the more important of their responsibilities in promoting a comprehensive program to reduce the number of traffic accidents and their toll in deaths, injuries and property damage.

At this same time, the Conference through its Committee on Roads and Highway Safety, and individual Governors, particularly Governor Fannin, were

participating in the development of the Vehicle Equipment Safety Compact, and securing its enactment.

Mr. Chairman, it was the view of the Governors and clearly it is your view that it is desirable to make vehicular equipment as safe as possible. Although there may be disagreement as to the actual number of deaths, personal injuries and instances of damage to property wholly or partly caused by absent, inadequate, or defective vehicular equipment, there is no doubt that any such deficiencies increase the probability of accident.

Until now, regulation of vehicular equipment has been left virtually in its entirety to the states. They have responded with an abundance of regulation. In particular instances, as in any large and complex field, it may be possible to point out things not regulated that might profit from regulation. But on the whole, it cannot fairly be said that the states have refused or neglected to impose equipment safety requirements. Indeed the bulk of the complaints have been over the diversity of some state requirements, or that new items of safety equipment have taken time to find their reflection in the laws of all states. In very recent years, both Congress and the states have recognized the need for interstate cooperation in meeting these problems. The Beamer Resolution consenting to interstate compacts in the field of highway safety became law only in August, 1958. At that time, there were no compacts dealing with any aspect of highway safety. Now there are two such compacts, each of them with large numbers of states already functioning as parties. One of them, the Driver License Compact, with a membership of nineteen states is important to the broad field of highway safety, but it is not relevant to equipment safety regulation. On the other hand, the Vehicle Equipment Safety Compact is squarely in point. It represents a rapid response to the policy proposal that Congress itself made; namely, that the states themselves determine vehicular equipment safety performance requirements. The legislation now before you would reverse this policy decision so recently made by the Congress and the National Administration. It would substitute Federal administrative determination even though there is little evidence that the states are unwilling to do the job and when, in fact, there is such evidence that the states are willing and have already made a good beginning on the cooperative route for which the Congress itself called.

The Vehicle Equipment Safety Commission is in existence by virtue of an interstate compact developed in response to the stimulus supplied by the Beamer Resolution. Drafting of the Compact began in 1960 and was pushed expeditiously. Since the project was in many ways a pioneering venture, it cannot be said that the year and a half taken to complete the final draft of the Vehicle Equipment Safety Compact was a long time. Indeed, when it is remembered that work was simultaneously going forward on the development of the Driver License Compact, and that this second agreement was also completed in December, 1961, the speed of the work must be considered noteworthy. The enactment of the Vehicle Equipment Safety Compact also demonstrates the willingness and intent of the states to proceed with dispatch. When one remembers that 1962 was a year in which relatively few state legislatures were in session, and that in any case the Compact was finished too close to the convening dates for such sessions as were scheduled, it becomes apparent that the first real opportunity for state consideration was in 1963. By the end of legislative sessions in that year, 26 states and the District of Columbia were already parties to the Compact. Before 1963 ended, the Vehicle Equipment Safety Commission had held its preliminary organization meeting and put machinery in motion for the development of its administrative organization and internal procedures.

The completion of the next state legislative cycle found 18 more states in the Compact. Forty-four of fifty states had acted within three years. While it would be desirable for the remaining six states to become parties, it is obvious that a mechanism for the formulation of performance requirements for equipment safety standards in 44 states (including all states with heavy vehicle registration) is an effective instrument for achieving nationwide applicability.

In the recent, considered judgment of Congress, interstate cooperation, rather than Federal action was recognized as the best means of dealing with the problem. The Beamer Resolution says: "cooperative effort and mutual assistance on the part of the States offers the greatest hope of satisfactorily dealing with this national problem * * *", and in the Senate Committee Report accompanying the Beamer Resolution, at least one basic reason why this is so appears: "Although traffic safety is a pressing problem common to every State in the United States, the Federal Government has never entered into this field because almost

all the enforcement is in the hands of State and local government." I might add, Mr. Chairman, that Congress, in August, 1964, reconfirmed its judgment by enacting Public Law 88-466 which provided for adherence to the Vehicle Equipment Safety Compact by the District of Columbia.

There are two choices now open for practical consideration by the Federal Government and the states. Under neither will states have freedom to regulate vehicle equipment safety in disregard of what other jurisdictions do. One approach—that embodied in the legislation before you—is unilateral, administrative policymaking by the Federal Government. Under Title I of H.R. 13228, the Secretary of Transportation would promulgate equipment standards, and these would be law everywhere. The legislation is absolutely clear that state laws would be preempted out of existence. Only if a state chose to enact exactly what the Secretary had promulgated could the state law exist. The only reason for a state to make such an enactment would be to provide a legal basis for it to enforce the Secretary's regulations. There is little reason and less incentive for states to assume such major responsibilities where they have been shut out of the basic policy process. Consequently, it should be recognized that this approach can secure a meaningful measure of vehicle equipment regulation only if the Congress and the Administration are prepared to inaugurate and finance a comprehensive program of Federal inspection and enforcement, as well as the proposed program of policy control. The observation in the Senate Committee Report (quoted above) indicates some awareness of the difficulties of such an undertaking.

Mr. Chairman, we submit that any serious Federal effort to inspect and police the manufacturing, distribution retail and second establishments hence responsible for producing and distributing motor vehicles and vehicular accessories, and to oversee compliance of even a significant portion of the vehicles in use throughout the country would be both wasteful and unwise, if not impossible. The states already have motor vehicle and police inspectorial and enforcement organizations which operate in all the communities and on all the highways of the country. There is no other force of personnel in existence capable of doing the necessary enforcement job. To duplicate them would require the employment of hundreds of thousands of new personnel and would be totally unnecessary.

That such massive Federal entry into the field is both infeasible and unlikely may be seen from the history and present state of affairs under the Federal Motor Carrier Act administered by the Interstate Commerce Commission. The ICC, I am told has a total of 110 inspectors to enforce its safety regulations throughout the length and breadth of this land. Give the thousands and thousands of vehicles involved, and the scope and complexity of the regulations, they would not be enforced were it not for state enforcement personnel. The latter, acting under programs sufficiently similar to that of the ICC, in effect, enforce the Federal program. This, by the way, is not said in criticism of the Congress nor of the ICC, but merely to place the matter before you in its proper perspective.

All of this is not to argue an absence of interest on the part of the Federal Government in proper regulation of vehicle equipment safety. Nor is it to argue that the Federal Government has not competence and capability in the field. The concern of the Congress and the administrative agencies to which it delegates the implementation of its policies dealing with interstate commerce by motor vehicle is too patent to require elaboration. The real question is how best can the Federal interest be served in a way that will best promote the public safety and convenience without destroying the interest of the states?

We understand that the Vehicle Equipment Safety Commission is proposing amendments of the Compact under which it has been established to include participation by the Federal Government. We believe that this is by far the best and most practicable approach to the problem. A Vehicle Equipment Safety Commission including both Federal representatives and representatives of the states could result in the making of unified equipment safety policy and requirements by all of the governmental entities with responsibilities and experiences in the field. It also would provide the only recognized means by which vehicle equipment safety standards could become part of both state and federal law, to whatever extent that might be desirable. As state law, the regulations or codes made by the Federal-Interstate Commission would continue to have the benefit of state and local enforcement and acceptance. On the other hand, the Federal participation in the Compact would make it Federal law and act as an authorizing mechanism through which the Federal Government could do as much as the Congress might wish in working on vehicle equipment safety problems.

Furthermore, such participation would act as positive encouragement to the safety efforts of the states, rather than as displacement of them.

A Federal-Interstate Compact has never been used in any part of the highway safety field, but its employment as now being proposed would not be unprecedented. Five years ago the Federal Government joined with the four states of the Delaware River Basin in a compact for the development, conservation, management, and administration of the water resources of that highly important and heavily populated river system. The Delaware River Basin Compact and the mixed Federal-Interstate Commission established by it have been an outstanding success to date. In 1965, the Delaware River Basin Commission handled a highly explosive and critical water shortage in a manner far superior to anything that could have been expected from an agency of a single level of government, and did so with a high degree of public confidence and acceptance. A measure of the promise seen in the device by officials in the executive and legislative branches of the Federal Government is the evident intention to extend the Delaware River Basin Commission pattern to other basins.

An analogous development, also in the water resources field, is the espousal by the Congress in 1965 of the Federal-State mixed commission idea for major water and related land resources planning.

If the Federal-Interstate Commission device can be given a central role in the planning, regulation and administration of one of our most precious natural resources, it can certainly be used in the vehicle equipment safety field, especially when almost all the states, prompted by the declared policy of Congress as set forth in the Beamer Resolution, have already established an intergovernmental agency for the purpose. The reasons for use of a Federal-Interstate Compact in the vehicle equipment safety field are similar to those in the water resource area, different as the subject matters may be. In each instance both the Federal Government and the states have important policy interests in the field. In each instance, significant exclusion of either one or the other would produce either gaps or confusion of substantive regulation or enforcement. In both instances, lack of sufficient cooperation and coordination of Federal and state activities makes virtually inevitable waste and working at cross purposes. On the other hand, the gathering of the Federal Government and the states into a single legal and policy framework where such level of government can lend its peculiar strengths to the undertaking offers hope of a superior result.

Both widespread adoptions of interim standards developed by the Vehicle Equipment Safety Commission and adoption of the amended Compact could normally be expected to be achieved in the coming year since nearly all of the state legislatures, as well as the Congress, will be in session in 1967.

It may be necessary to change the present relationship of the Commission's product to state law. It may be necessary to forego the legislative route for adoption of Commission regulations if it is now thought that such procedure may not be sufficiently expeditious.

While a good joint mechanism is being developed, the Vehicle Equipment Safety Commission can still continue to adopt standards which will serve in the interim. At the present time, the Commission is at work on standards for lights, brakes, safety glass, door hinges and locks, and a variety of other components and will have these ready within a few months.

Mr. Chairman, we agree that it is urgent that motor vehicles be as safe as possible. We are happy to witness the increased Federal interest in this matter. We do urge, however, that the maximum advantage be taken of state experience and technical skill. In our view, the end that you seek and that we seek is identical. It is for that reason that we suggest that there be a concerted federal-state effort.

Mr. Chairman, Members of the Committee, thank you for your consideration.

STATEMENT OF WALTER P. REUTHER, PRESIDENT, UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, AFL-CIO

The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO, representing a million members in the automobile industry, has long exhibited deep concern over the constantly increasing numbers of accidents, auto injuries and deaths on the United States'

highways. It is convinced that rational Federal auto safety standards should be established which will require the automobile industry to devote its technological and engineering know-how to the design and production of safer cars.

In 1965 Congress enacted legislation reducing excise taxes on automobiles. Consistent with its concern about the problem of auto safety, and air pollution caused by auto exhausts, the UAW urged the automobile industry to increase the number of safety features on its automobiles at the same time that the excise tax reduction took place. On April 12, 1965, on behalf of the UAW International Executive Board, I outlined the Union's position on this matter in letters to the presidents of General Motors, Ford, Chrysler and American Motors.

UAW POSITION ON EXCISE AND SAFETY

That letter has today the same pertinency it had then. Its major points deserve to be made part of the record, and the following are significant excerpts:

"Along with—and, in fact, as part of—our common interest in the welfare of the industry, there goes a joint responsibility to the public that buys or is affected by the products manufactured in your plants by our members.

"Increasingly, that public is becoming concerned about the health and safety effects of automobiles.

"Legislation is now pending in Congress to require new cars to be equipped with devices to consume and render harmless those chemicals now present in exhaust fumes which help blanket our cities with smog, increase the risks of cancer, and poison the air with carbon monoxide. Such legislation is already on the books in California and will be made applicable, by regulation, to cars produced in the 1966 model year and thereafter.

"At the same time responsible authorities have concluded, after careful study, that much can be done that is not now being done to reduce accident and fatality rates by modifications of car designs and specifications. The General Services Administration has found it necessary to propose certain minimum standards for passenger safety devices (plus smog suppression devices) to be met by all cars purchased for use by the Federal government."

ADOPTION OF GSA STANDARDS URGED

"There is no question but that conformance to GSA standards would promote safety and minimize accidents and injury to motor car users and to the public. In view of the growing concern with car safety and the increased pollution of the air in our large urban centers, common sense and public responsibility would suggest that smog control devices and the other GSA standards be applied not only to cars bought by the government but also to cars sold to the general public.

"The industry is morally obligated to design its products to the maximum extent feasible, so as to minimize both pollution of the atmosphere and hazards to life and limb. Voluntary leadership on the part of the automotive industry in meeting this obligation will serve the public and such voluntary action will give the industry a far stronger claim on public support for elimination of the excise tax. Voluntary action to minimize car-produced smog and to maximize safety would also avoid the necessity for government intervention through legislation that the industry might find onerous."

PROPOSAL FOR JOINT ACTION FOR SAFETY

"I am therefore writing you and the heads of the other passenger-car-producing companies, at the direction of the UAW International Executive Board, to propose joint action by the industry and the UAW directed both toward advancing our common interest in elimination of the excise tax and toward meeting our joint responsibility to minimize adverse effects of cars upon health and safety. These dual objectives would be pursued jointly by the industry and the UAW on the basis of agreement on the following points:

"1. The UAW will cooperate with the industry to create a joint committee to petition Congress and to mobilize maximum public support for elimination, or at least substantial reduction, of the excise tax on passenger cars.

"2. The industry will commit itself to pass on to the general public and to consumers the full benefits of excise tax elimination or reduction through a

combination of improved health and safety features to be built into the cars (in conformity with GSA standards), plus direct price reductions.

"3. The industry will agree that, if the tax should be reduced but not eliminated completely, or if total elimination is approached by stages through successive reductions of the tax; the priorities in the use of the tax savings will be as follows:

"(a) First, to incorporate in all new cars, starting with the 1966 models, smog-suppression devices of the kind required to meet the standards under the California law.

"(b) Second, to incorporate in all new cars, no later than the time sufficient excise tax savings become available to meet their costs, the remaining safety standards proposed by the General Services Administration for cars bought for Federal government use.

"(c) All remaining excise tax savings will be passed on to car buyers in the form of price reductions.

"4. To assure fulfillment of its commitments, the industry will agree to support legislative provisions which would make excise tax reduction or elimination applicable only to those vehicles which incorporate the smog-suppression devices and the other GSA safety requirements (the latter at least to the extent that would be paid for by the amount of tax savings available at the time) and which fully reflect in their list prices any part of the excise tax reduction not offset by the cost of such devices and requirements.

"We believe that the possibilities of excise tax relief being enacted in this session of Congress would be greatly enhanced through joint industry-UAW action based upon agreement to the above points. Such agreement would enlist the widest possible public support for excise tax elimination for it would promise substantial benefits not only to car buyers but also to the general public. The public as a whole would enjoy the benefits of cleaner air and improved safety on the nation's streets and highways. Car buyers would benefit from both safer cars and price reductions."

This committee knows, of course, that this proposal was rejected by the four auto companies and that legislation designed to make the excise tax cut dependent upon safer automobile design and construction failed to secure passage.

It is most difficult for concerned and responsible persons to understand the reluctance of the auto industry to accept the conclusions of numerous safety experts and apply them to design. These findings demonstrate it is possible to make the auto safer from the point of view of both design and construction and that it is possible to do this with minimum delay. It can also be demonstrated that such a safety program can proceed at virtually no cost or, at most, minimal cost to the consumer.

INCREASED COST NOT INEVITABLE

Safe design need not necessarily cost more. This is the conclusion of Professor James J. Ryan, recently retired from the school of engineering at the University of Minnesota. Professor Ryan declared, after conducting a series of structural strength tests:

"* * * we have determined means of strengthening the structure of the vehicle to prevent displacement of the walls, the door and the posts and the penetration of the driver's compartment. The forces of impact could be reduced four times by the proper construction of any vehicle *without increasing its cost or weight.*" [Emphasis added.]

ELIMINATION OF NEEDLESS FRILLS COULD OFFSET SAFETY COSTS

This is not to deny the possibility that some safety measures may add to car production costs. But such cost increases could be offset in significant part by the elimination of needless frills in present car designs. The frills come as standard equipment while important safety features remain optional. The reverse should be true. The basic car offered the consumer should be as safe as possible for himself and his passengers, and for pedestrians or other vehicles with whom or which he may collide. The frills—but not the safety features—should be a matter of free choice by the consumer who could decide whether or not he wants to incur the extra cost.

SAFETY COSTS CAN BE ABSORBED OUT OF EXCESSIVE PROFITS

Let us grant the further possibility that, even after incorporation of safety features which do not add to cost and after offsetting of the cost of others to maximum extent practicable by the elimination of frills, it might still cost more to produce safe cars than cars made to present unsafe designs. It still would not follow that the prices charged consumers must be increased.

The auto assembly corporations are among the most profitable in all American industry. By any reasonable test, the prices they currently charge for their cars are excessive. This is clearly revealed by the size of their profits. They can well afford to absorb increased costs related to safety without raising prices even if those cost increases turned out to be far more sizeable than seems likely.

For example, General Motors' profits for 1965, before taxes, were \$4,091.6 million which left, after taxes, \$2,125.6 million—an astonishing 28.0 percent of net worth. If the corporation had absorbed \$100 in costs of safer design and construction on every one of the 4,949,000 cars it produced in 1965, it would have reduced its after-taxes profits only to \$1,868.3 million, still a most impressive 24.6 percent of net worth.

Applying the same formula to Ford Motor Company, 1965 after-taxes profits of \$703 million would have been reduced to \$569.6 million, or 14.2 percent of net worth. At Chrysler Corporation, the reduction last year would have been from \$233.4 million to \$157.1 million, or 14.0 percent of net worth.

Each of these corporations would still have retained a larger percentage of return on net worth than the 1965 average for all U.S. manufacturing which the Federal Trade Commission and the Securities and Exchange Commission reported at 13.5 percent—one of the highest levels reached during the postwar years, despite changes in methods of charging depreciation that reduce reported profits.

INDUSTRY EMPHASIS ON STYLING RATHER THAN SAFETY

Hundreds of millions of dollars are spent on style changes that often increase rather than reduce danger both inside and outside the passenger compartment.

For many years the trend had been toward less rather than more safety in auto design. A 14-year study by Cornell University's Automotive Crash Injury Research project, reported in 1955, disclosed shocking deterioration in safe design. It found that occupants of autos produced from 1950 to 1954 were injured more often than occupants of 1940-49 cars in similar accidents. There was also a greater number of fatalities in the later model cars.

To date the industry has been unwilling to act on auto safety with the interest, concern or dispatch with which it deals with matters of styling, technology and production. In 1957, former Congressman Kenneth Roberts, of Alabama, first sought passage of auto safety legislation—to take the relatively mild step of requiring installation of some safety features on cars purchased by the Federal government for its own use. This requirement did not go into effect until the 1966 model year.

"THE PRIMARY OBJECT . . . WAS TO MAKE MONEY"

The auto industry has, unfortunately, approached the problem of safety as it has every other situation before it—in terms of dollar values rather than human values. Alfred P. Sloan, Jr., in his book "My Years With General Motors", put it bluntly and unashamedly when he wrote "The primary object of the corporation, therefore, we declared was to make money, not just to make motor cars. Positive statements like this have a flavor that has gone out of fashion; but I still think that the ABC's of business have merit for reaching policy conclusions."

Auto manufacturers have ignored not only findings from authoritative outside sources that would guide them to safer design and construction; there also is evidence that they have ignored recommendations from within their own industry. The National Society of Professional Engineers gave this emphasis in a statement issued last month.

"The recent discussions of safety in automobile design," said the society, "indicate that the role of the engineer has in some instances been subordinated to other considerations. The automobile industry should take effective steps to revise this area of responsibility and insist that considerations of engineering safety factors take precedence."

INSPECTION STANDARDS NECESSARY

The importance of inspection standards cannot be over-emphasized. It is not enough to inspect cars once they are assembled because at the final assembly point too many parts are inaccessible to inspectors. They could not be checked even if inspection standards were adequate and responsible. But too often standards are either lacking or disregarded. One case in point is contained in a report received last month at UAW headquarters. It was reported by the workers in one of the plants of a major auto producer in California:

"About two weeks ago, if a ball joint retainer was missing or broken and squawked [reported] by the inspector, production supervision would instruct the repairman to punch the inspection ticket as if the defect had been repaired. If the defect was squawked by a subsequent inspector, production supervision would take the inspection card back to the repairman to be punched again as okay * * * The inspectors complained to their foreman about this practice of production supervision and on April 18 this practice was stopped.

"The ball joint retainer is a grease retainer and, if missing or broken, the steering mechanism would not be properly lubricated and could cause partial failure of the steering mechanism.

UNSAFE BRAKE LINES

"Another problem involved rear brake lines * * *. This is a metal hydraulic line running from the master brake cylinder to the rear wheel cylinder. When the rear springs * * * are pressed, the spring press machine dents the brake line against the rear axles. It is written up by the inspector as defective but, instead of being replaced, the chassis is sent to the chassis spray booth and the dented line is sprayed with chassis black paint as is the rest of the chassis. This makes the defect difficult to detect by a subsequent inspector. Production supervision then takes the inspection ticket back to the repairman to be punched as okay.

"This dent in the hydraulic line could cause a decrease in the pressure in the wheel brake cylinder when the brakes are applied and a loss of braking power."

We are advised that this brake line problem has been corrected since we received the quoted report.

SPOT-CHECKING IS INEFFECTIVE

The report is cited merely as one instance of what can, and too often does, result from insistent demand that production lines keep moving no matter what the sacrifice in quality or in the creation of potential driving danger. There may be a vain hope on the part of production supervisors that somewhere down the line a final inspector, or the dealer, will catch the defect and remedy it. But, as noted, defects—after final assembly has been completed and paint applied—are more difficult, if not impossible, to detect. Spot-checking is hardly a sufficient safeguard against defects in the finished product. The very fact that industry statistical information provided to this committee shows that many vehicles were sold in defective condition since 1960 is startling proof that current in-plant inspection procedures, especially against the background of speeded up production processes, are totally inadequate and represent all too often a hazard to the ultimate purchaser.

The inadequacies of the spot inspection systems were also cited in a decision by Ford Umpire Harry Platt in a 1959 grievance involving a question of union jurisdiction over quality control inspectors, not then nor now members of the UAW. In the matter now before this committee, the pertinent sections of Mr. Platt's report are his findings on Ford inspection methods.

"Each operating day," he wrote, "at all assembly plants a representative sample of cars released for shipment to dealers after final approval by hourly inspectors is chosen for auditing. [Emphasis added.]

"Accepting or rejecting the audited cars is not a function of the auditors. Nor are they required to mark up errors for correction. Thus, except for defects which would make a car unsafe to drive, errors discovered on the audit are not to be corrected prior to shipment.

"Safety defects which demand immediate correction are found on less than 1 per cent of the cars audited and hourly employees make these repairs.

"Theirs is essentially an act of sorting good products from bad. On a quality audit, on the other hand, a representative small sample of cars is audited (in one of the plants, for example, 40 out of approximately 1,100 cars produced and shipped a day) and then only after they have passed final inspection and been released for shipment to dealers. The salaried auditors do not have the authority to pass or reject cars nor to require that defects (other than critical safety items) be repaired."

The inference is plain that safety defects may well be present in the remaining 1,060 cars that were not subject to audit inspection. This figure, multiplied by the number of plants with equal or greater production, is indicative of the kind of neglect and possible hazard that result from speeded-up production and inadequate inspection.

NEW CARS FAILING ROAD INSPECTIONS

It may well be that the percentage of unsafe cars reported to Mr. Platt is highly inaccurate in reflecting total production. Senator Walter F. Mondale of Minnesota recently reported that more than 20 percent of *new* cars passing through the District of Columbia and New Jersey inspection stations were found to have safety defects.

The UAW believes, on the basis of its experience with the auto industry, on the basis of the history of regulatory legislation in this country, and on the showing made by industry representatives before committees of Congress, that there is an imperative need for federal legislation which would establish a framework of adequate and realistic Federal standards within which the industry would have sufficient latitude for creative and imaginative product design.

Moreover, Federal legislation should require that all foreign-made cars sold in the United States be subject to Federal safety standards comparable to those applicable to domestically produced cars, for the safety record in foreign countries is even more frightening and scandalous than in our own.

The industry's technical resources are demonstrably capable of designing a safer automobile. The industry's productive resources of manpower and technology are equal to that challenge. What is now required is an expression of the concerted will of our nation, through the instrument of democratic government, to achieve this goal.

SAFETY IN PERSPECTIVE

The real sense of values that is here involved for all Americans was pointed up by Senator Abraham A. Ribicoff, of Connecticut, when he said:

"We spend more than one billion dollars to assure the safety of three men who will occupy a space capsule that goes to the moon. This is as it should be. Their safety is of prime importance.

"But one wonders about a nation that is willing to expend one billion dollars to get three men to the moon but is seemingly unwilling to expend even one-hundredth of that amount to protect its 190 million citizens from death or injury on our roads and streets."

We face a frightful problem for which solutions have been years overdue. Each week of the year, on the average, approximately 1,000 persons are killed and an additional 34,000 are maimed and injured. From 1900 to 1964, unsafe autos, unsafe highways and unsafe drivers killed almost three times as many Americans as did all military battles in which this country engaged between 1775 and 1964. Projections for the future are even more grim. The American Trial Lawyers Association reports indications that by 1975 the annual death toll will soar to 100,000. This need not be. Concerted action in all fields of auto and highway safety can halt this frightening climb in death and destruction.

AN EIGHT-POINT SAFETY PROGRAM

In the immediate area of auto safety, the UAW believes that Federal legislation should be directed at eight vital areas:

1. *Design standards.*—Uniform minimum Federal standards for safe design should be promulgated. As research progresses, these standards should be updated consistent with new finding. Effective enforcement should be provided through continuing Federal inspection at whatever levels of design and production that may be required.

2. *Inspection standards.*—It is not enough to have safety standards in respect to the design of cars. Safe components may be rendered unsafe through faulty assembly and go undetected because of inadequate inspection during the course of construction. Auto safety legislation should include authority for the appropriate agency also to set inspection standards in a manner similar to those currently established in the aircraft industry.

Such standards should include the requirement that every car should be road-tested before delivery to the dealer. Not only the relatively small number of owners of luxury cars deserve this protection; every new car buyer is entitled to such assurance of road safety.

3. *Research and development.*—Much work has been done by independent engineers, universities and other institutions concerned with auto safety, including the development of prototypes and experimental models. This work needs to be encouraged, expanded and supplemented by the Federal government as an important means of providing continual upgrading of Federal safety standards. A governmental research program, including the building of prototypes, is a necessary adjunct to safe design.

Care should be taken to avoid unreasonable delay in design enforcement. If a hazard is clearly established and there exists technology to correct it, then corrections should be ordered immediately. If technology for correction is not yet at hand, then every effort should be made to keep the development time to a minimum.

4. *Investigation.*—Provision should be made for a comprehensive survey of all makes and models of automobiles in production to determine existing weaknesses due to faulty design, faulty inspection or inadequate controls. The appropriate Federal agency should have power to enforce its orders for correction of defects. Similar procedures already are in effect in the aviation industry and can well be applied to auto plants.

5. *Information pool.*—No adequate body of information exists that permits exhaustive examination of all the factors involved in auto accidents, including road conditions, driver errors and vehicle condition. Modern data-processing technology offers vast potentialities for useful and productive endeavors in this area. A central information pool needs to be established to serve both government and private research and development.

6. *Public disclosure.*—Time and again unsafe cars were delivered to unsuspecting customers. And when defects were discovered, the car owners were not notified—only the dealers who were cautioned not to disclose faulty design or construction but to repair it under the guise of "product improvement" whenever the customer could be located. Consequently, not all defective cars were repaired. It is only these hearings and action by congressional committees that brought this to light. The auto manufacturers have amply demonstrated that there is nothing voluntary about their discharge of public responsibility.

Today's car buyer has only the information on the product that the manufacturer decides to give him. But effective consumer choice depends on full availability of specific information. On the basis of reports filed by manufacturers and information provided by the Federal research facility, there should be made available to the consumer readily understandable material that will assist him in making an informed choice.

Legal liability should be clearly established for manufacturers and dealers. The manufacturers have the primary responsibility for safe design and construction; but dealers also share responsibility when they do not inform customers of hazards or fail to correct defects known to them.

7. *Mandatory periodic inspection.*—A Federal interstate system should be established to insure adequate periodic, uniform safety inspection of all vehicles on a nationwide basis. This would have the double advantage of discovering defects in cars soon after they are sold to the purchaser and guarantee as well that the defects in aging automobiles will be found and made subject to prompt correction.

8. *Highway traffic safety.*—Steps should be taken to undertake an intensive highway safety program, which would include consideration of highway construction, highway marking, traffic control and other traffic safety features aimed toward reducing the highway accident rate.

SAFETY PROBLEMS ON INCREASE

These eight areas of regulation are broad and comprehensive and they need so to be. We cannot halt traffic deaths and injuries with just routine regulatory attention. As our population increases at a rapid rate and urban areas grow to encompass entire seaboards, the problems of death and mayhem by auto, as well as pollution of the atmosphere by exhaust fumes and gases, will become even more critical.

In 1957, when he served in the Senate, President Johnson proposed the establishment of an automobile and highway safety division in the Department of Health, Education and Welfare. This proposal is still appropriate.

President Johnson, in a recent talk to the American Trial Lawyers Association, stated that the "gravest problem before this nation—next to the war in Vietnam—is the death and destruction, the shocking and senseless carnage that strikes daily on our highways."

NATIONAL EFFORT NECESSARY

Problems of this magnitude demand national effort on a commensurate scale. They cannot wait for voluntarism nor for slow-moving regulatory procedures which sometimes still focus on the problems of yesterday rather than on the challenges of today and tomorrow.

We cannot tolerate further delay in this all-important crusade against built-in hazards in the millions of cars Americans drive. This is a challenge we have waited too long to take up. We have a heavy responsibility to every living American and to the generations yet unborn to expend every effort, to seek every method to bring auto design and construction hazards to an irreducible minimum.

The UAW believes that the automotive industry is fully capable of meeting this challenge within the framework of adequate and realistic Federal safety standards with sufficient latitude for creative and imaginative product design.

STATEMENT OF THE RUBBER MANUFACTURERS ASSOCIATION IN BEHALF OF THE
TIRE MANUFACTURING INDUSTRY

This statement is directed to the provisions of the four bills listed below which are the principal ones concerning tires and all of which are cited as the "Tire Safety Act of 1966."

1. S. 2669 as passed the Senate on March 29, 1966.
2. H.R. 13666 introduced by Representative Staggers on March 15, 1966.
3. H.R. 14190 introduced by Representative Halpern on March 31, 1966.
4. H.R. 14196 introduced by Representative Kastenmeier on March 31, 1966.

The tire industry has a deep and continuing interest in highway safety. All tires that would be subject to the provisions of these bills are now being produced to meet minimum safe performance standards which have voluntarily been adopted by the industry. These standards were made effective January 1, 1965, and were revised and strengthened effective January 1, 1966.

If after consideration of all the available evidence, it is concluded that the enactment of Federal tire legislation is necessary, then the tire industry will support S. 2669 in the form in which it was reported out by the Senate Commerce Committee or H.R. 13666 or H.R. 14190 if either of these bills is considered more practical in the adoption of Federal tire legislation.

In addition, the tire industry points out that any of the above proposed legislation can be further strengthened in the interest of public safety if all states adopt appropriate legislation or regulations authorizing tire inspection and prohibiting the use of tire which are not in safe operating condition.

The industry also recommends that Federal tire legislation be either separate and apart from a general vehicle safety bill or that tire legislation be included under a separate title in a general vehicle safety bill. It should be noted that tires are unique in relation to the operation of an automobile and that the replacement market for tires far exceeds the original equipment market, not only in unit volume but also in variety of types and sizes. Consequently, it is logical that tire legislation be separate and apart from any bill of wider scope, involving new vehicle specifications and the broader problems of highway safety. Separation of tire legislation either as a separate title in a general

vehicle safety bill or as a separate bill will facilitate the administration of the functions prescribed for the Secretary of Commerce as they relate to all tire users, replacement buyers, as well as new car owners.

As previously mentioned, the tire industry supports S. 2669 in the form in which it was reported by the Senate Commerce Committee after careful study. However, the tire industry cannot support and strongly recommends against the last minute amendment of Section 10 in S. 2669.

Although S. 2669 as reported out by the Senate Commerce Committee was concerned with minimum safety standards for tires, an amendment which has nothing to do with safety was introduced on the floor. The remarks of Senators Magnuson and Ribicoff on the Senate floor, as reported in the Congressional Record, acknowledged that grading of tires has nothing to do with minimum safety standards. This amendment was adopted under unusual circumstances as indicated in the Congressional Record of March 29, 1966. The text of this amendment—a revision of Section 10—was never openly discussed while the bill was under consideration. Consequently, we believe there is a serious question as to whether the true significance of this amendment has been recognized. It has far reaching implications, not only for the tire industry, but also for all producers and sellers of manufactured consumer durable products—since if it becomes law, it will be the first time that such products will be subjected to government quality grading.

Such a radical and precedent-setting innovation as government grading of manufactured consumer products deserves careful and comprehensive consideration. For this reason the tire industry supports the original wording of S. 2669 as reported out by the Senate Commerce Committee which calls for a study of the feasibility of grading and labeling systems and the means by which such a system might be implemented.

Whether it is more desirable or feasible to grade label tires than other similar products warrants the most careful inquiry. The complexity of tire design raises many questions about the feasibility of grade labeling.

To date no reliable evidence has been submitted anywhere as to how a quality grading system for tires could be accomplished. The National Bureau of Standards advised the Senate Commerce Committee that such a system would have to be based on the tread life of tires and that it would require a total of four years to establish such a system.

There was inserted in the Congressional Record of March 29, 1966, a report from the Automobile Development Associates suggesting a rating system for automobile tires. This report is technically incorrect and is also at variance with the report made by the National Bureau of Standards to the Senate Commerce Committee. More important than this, it is the opinion of the tire industry that a study of this report will demonstrate that it does not meet the alleged objectives of a quality grading and labeling system which will be easily understood by the average tire buyer.

The tire industry believes that a nine digit number code as proposed by the Automobile Development Associates would not be any more comprehensible to the average tire buyer and probably less so, than the terms now used to identify and describe tires.

In the replacement market, tires are designed to fit the different needs of tire consumers. Beyond the question of safety which would be assured at all levels, some consumers have primary interest in long mileage, others in high speed operation, others in heavy load conditions, others in obtaining safe tires with low mileage and at low cost. Others are exposed to unusually rough road conditions with a primary interest in tires designed to wear longer under these circumstances.

The complexity of tire design is such that developing a quality grading system for tires is no easy task. For example, traction varies at different wear levels of a tire. It is even possible that government grading and labeling could adversely affect safety. For example, a grading system should certainly include tread wear, which is of great economic importance to a consumer but is not even considered by the "Automotive Development Associates" report mentioned above. On the other hand, tires graded only on the basis of tread wear at the expense of other properties could skid more readily, be more dangerous at high speeds, be less durable, and provide less stability in operation.

Some proponents of a government grading system for tires argue that it is necessary for economic reasons and not for reasons of safety. We believe less justification exists on this ground for a grading system of tires than for grading a vast number of other products which consumers purchase. The Bureau

of Labor Statistics data show that tires are only a tiny per cent of a family's annual expenditures; that they have decreased in cost while prices of other products have risen. Tires today are a better consumer value than they have ever been and, consequently, their purchase does not represent an economic burden or hardship on the average consumer.

These are the reasons why we support the original version of S. 2669 (Calendar No. 1060) which calls for a serious study of the grade labeling problem rather than the last minute version which requires a mandatory system of quality grading. Such mandatory provisions is also inconsistent with other sections of the bill, in that it prejudices the results of the research, testing, and development authorized by Section 11 of the bill.

In summary, a uniform quality grading system for motor vehicle tires is quite a separate and distinct matter from the safety provisions of the proposed bill and should not be made mandatory at this time. The tire industry strongly recommends the adoption of the language of Section 10 as contained in S. 2669 in the form in which it was reported by the Senate Commerce Committee, or the language of Section 10 as now contained in H.R. 13666 or H.R. 14190. The tire industry opposes the language of Section 10 as currently contained in H.R. 14196.

STATEMENT OF RAY BROWN, PRESIDENT, AMERICAN SEAT BELT COUNCIL, INC.

On behalf of the members of the American Seat Belt Council, we wish to record endorsement of the President's proposed Highway Traffic Safety Program and to submit for your consideration, specific recommendations relating thereto.

For your information, the American Seat Belt Council was organized in July 1961, for the purpose of developing ethical practices relating to advertising and marketing of automotive safety seat belts; of cooperating in the establishment of standards of performance covering automotive safety seat belts; and of conducting a voluntary quality control program to insure compliance with standards.

The membership of ASBC consists of major manufacturers of such devices both for the aftermarket and original equipment, and of manufacturers of component parts therefor (i.e., webbing, hardware, etc.).

The American Seat Belt Council has had and continues to have a two-fold purpose. As an association of manufacturers, we are interested, of course, in maintaining and increasing the market for members' products. This, however, has become a subordinate goal since mandatory legislation insures that seat belts will be sold:

Our second purpose has been and continues to be reduction of traffic accident injuries and fatalities, and because studies by many independent institutions have proved that automotive safety seat belts can and do achieve this purpose, we respectfully submit the following specific recommendations:

1. That the proposed program include provision to promote the "use" of seat belts by all passengers at all times.
2. That the proposed program require that all new cars be equipped with anchorages for shoulder harnesses.
3. That the proposed program promote the installation of seat belts in all used cars.
4. That the proposed program promote inclusion of seat belts in laws and regulations covering periodic motor vehicle inspection.
5. That the proposed program promote replacement of seat belts under specific conditions, including the following:
 - (a) Frayed, split or torn webbing.
 - (b) Loose anchorage.
 - (c) Loose or inoperative buckles.
 - (d) Poor installation conditions, rusting, or damaged or bent floor pan.
 - (e) Nonstandard equipment or nonstandard installation.

6. That the proposed program include provision to promote the use of standard accident reporting and the compilation of accident statistics to pinpoint the causes of accidents.

With regard to recommendation 1, we regret to confirm that "use" of seat belts has not increased proportionately with "installation". As a matter of fact, statistics place usage at a very low 33 1/3%. A recent study by Dr. Donald

F. Huelke and Dr. Paul W. Gikes of the University of Michigan found that 40% of 177 persons killed in fatal accidents over a four year period would have lived if they had been wearing seat belts; thus underscoring the extreme importance of this area of the highway traffic safety program.

We also wish to record the readiness of the American Seat Belt Council to cooperate with any and all organizations and governmental agencies having responsibility for any aspect of highway traffic safety.

STATEMENT OF A NATIONAL GRANGE

We wish to commend the Administration and the Committees of Congress which are currently considering the several Bills pertaining to Highway Safety. We believe that the public hearings now underway will do much to arouse public attention to this all-important problem of preventing injuries and deaths on our highways.

Basically, we support the Highway Safety Act of 1966 insofar as it will serve to assist and stimulate the States to step up their highway safety action programs. We hope that the Act, if passed, will provide for a Federal-State partnership in finding more effective methods to solve the highway safety problem.

We would recommend, however, that Section 102, Paragraph (a) of Title I in the Act shall be amended to provide that the Secretary shall request from the States their recommendations on vehicle equipment safety standards which he should adopt. We believe this is a necessary procedure if the proposed Federal-State program is to be successful. We see great advantage for all concerned if interstate cooperation, as prescribed by Congress in the Beamer Resolution of 1958, can be employed to bring about a workable national program for highway safety. The present legislation would pre-empt state officials from taking part in the promulgation and enforcement of standards for motor vehicle safety equipment. We believe that the exclusion of state participation in this all-important field would be a serious mistake.

Nearly all states are now party to the Vehicle Equipment Safety Commission, which was devised as the result of Congressional action to provide a means for interstate review of the need for new or revised standards on vehicle equipment and for developing and recommending needed standards to member states for ratification.

In our view, this Commission, already established and beginning to function effectively, represents the best possible means of carrying out the intent of this proposed legislation as it pertains to adopting and enforcing vehicle equipment safety standards.

The states presently possess two of the most important ingredients necessary to carry out such a program. First, state motor vehicle administrators have the know-how and experience to have drawn up necessary standards and are in the best position to ascertain what these needs are. Secondly, the states possess large forces of personnel trained to enforce vehicle regulations, not only for new vehicles but through the life of the vehicles as they continue to be operated.

A further point that should be brought out in this regard concerns the need for comprehensive, integrated programs such as is proposed in certain portions of the legislation now under discussion. We do not believe that regulation of vehicle safety equipment can be separated from such programs without weakening their structure.

With respect to Titles II and III of the proposed legislation, we see great merit in providing for means for additional research at the Federal level and on the causes of automobile accidents. Such research is greatly needed and we are sure that the states can contribute significantly.

We are also pleased that the proposed legislation provides for Federal grants to the states to increase the effectiveness of their safety programs and to assist them in their own research. This approach, which recognizes the important contributions that have been and can be made at the state level, should result in highly productive national programs.

We in the Grange see a close parallel of action such as this to Federal participation in agricultural research through state agricultural experimental stations.

Just as it is your first duty to serve your constituents, the first consideration of the Grange must be for the welfare of its approximately 800,000 rural members. They are a substantial portion of the public who must rely on the motor vehicle

to maintain their businesses, carry their produce to market and serve as their major means of personal transportation. Therefore, we must view every piece of proposed legislation in terms of how it may serve them best.

Our membership is scattered throughout the nation and in highway safety, as in many other areas, their needs and desires vary greatly. This is why we believe, as expressed in our policy statements through the years, that states must be given a major role in solving highway accident problems.

So much for our specific recommendations on the legislation which you are now considering. By way of background, we should like to state that highway safety has long been a subject of great concern to the National Grange.

Most of our members reside in rural areas of our nation, where the greater proportion of traffic fatalities and serious accidents occur. For many years our organization sponsored a highway safety essay contest for our younger members. This contest focused great interest on the subject.

In recent years National Master Herschel D. Newsom, in his address to our annual session, has pointed up the need for increased action in the field of highway safety. Likewise, there have been many resolutions forwarded to our Delegate body on the subject of highway safety by the State Granges. These resolutions, when acted on by the National delegate body, become part of our national policy.

In general, the policy of the National Grange on highway safety matters, developed through the years, may be summarized as follows:

1. The states should assume the major role in solving the highway accident problem.

2. An adequate number of state highway patrolmen and urban traffic police officers should be maintained.

3. High school driver education programs should be strengthened and improved.

4. Periodic motor vehicle inspection should be inaugurated in the states that do not yet inspect cars.

5. Uniformity in traffic laws between communities and states should be increased by adoption of the Uniform Vehicle Code proposed by the National Committee on Uniform Traffic Laws and Ordinances.

6. Signs, signals and markings on streets and highways should be standardized by local governments following the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Commerce, Bureau of Public Roads.

7. The states should form interstate compacts on driver licensing and automotive equipment. These fields should remain a function of state government.

8. Regulation of traffic and control of safety be continued as a state and local function rather than to be taken over by the Federal Government.

Thus, in summing up the position of the National Grange on the highway safety legislation now before Congress, these points stand out:

1. The first consideration should be to meet the needs and desires of the public.

2. States should continue to bear the major responsibility for comprehensive, integrated safety programs.

3. The Federal Government should give every possible encouragement and assistance to the states to enable them to carry out a more effective highway safety job.

MAY 6, 1966.

STATEMENT OF GEORGE E. PRATT ON BEHALF OF GREATER PHILADELPHIA CHAMBER OF COMMERCE

My name is George E. Pratt. I represent the Greater Philadelphia Chamber of Commerce, as Executive Director of its Traffic and Transportation Council. I should like to express the views of this chamber concerning the *Traffic Safety Act of 1966*.

INTEREST

Our interest is substantial. The chamber I represent is the only spokesman for the entire organized business community of Greater Philadelphia. That eight county community is the nation's fourth largest metropolis. It is a major center of transportation in all its forms, of traffic congestion and hazard. This Act will have a major effect on this community.

SUPPORT

We support this Bill very strongly, although with a few qualifications, some of which are extremely sharp. It is the vehicle for implementation of a major phase of the program encompassed in President Johnson's March 2 Transportation Message. Not only this aspect, but the entire program is badly needed—to bring meaningful improvement both to traffic and to safety. Despite some assertions of expected economies, we believe the entire program will be costly. If it does the job it will be worth every penny of the cost.

VEHICLE SAFETY STANDARDS

We are gratified that Section 101 defines such standards as performance standards. This will permit the imposition of maximum safety standards where indicated without the stultifying effect on model changes (and the resultant depressing effect on the automotive industry and, derivatively, on the entire national economy) which would result from the imposition of specifications. The provision should work well for safety and the economy. Nevertheless, as drafted there is presently included a provision which we believe would be extremely harmful.

That provision is the form of wording of Section 102(b). As we have heard it explained, the intention is to prohibit state and local vehicle safety standards which would permit lower performance standards than would the Federal standards. The wording, and especially the words "null, void, and no effect," in the context in which they are set, appear to go sharply beyond that stated intention. They appear to prohibit all state and local standards.

For example, the Federal standards are aimed only at manufacture or import and initial sale. Pennsylvania has a good inspection program which requires consistent safety maintenance through the life of a vehicle. Many competent legal opinions have been obtained that the present wording of this section would require elimination of this state's entire program. I so read it.

Should such a result occur, it would be a disastrous step backward from the very safety program this good Bill is designed to advance. Even in the event that such opinions be found to be in error, the minimum consequence, while they prevail, is that the Act—and the safety standards—would be under a cloud of at least three years; the two year period before imposition of standards under the Act plus the time for testing.

The need for amendment appears to be very strong, and we urge it. We suggest that the wording of this section be revised so as clearly to prohibit only state or local standards which would permit a lower level of performance than the Federal standards.

LEGISLATIVE CRITERIA

Section 102(a) provides detailed criteria for the required finding by the Secretary of the need for establishment of safety standards. The standards themselves are left entirely to discretion, to be established by regulation in the form of orders. In Pennsylvania we have had some fairly unhappy experiences with the implementation of safety measures left entirely to establishment by regulation. One rather difficult experience we have found to be almost universal in such cases is interminable controversy renewed at each revision, however minor. Such a result could be avoided by the imposition of legislative criteria for the standards themselves, of certainty comparable to the criteria for the finding of need. We offer no suggestion as to what the criteria should be, but will be happy to present detailed suggestions if this approach finds any favor. We urge the addition of such criteria.

FINANCING

Chapter 4 in its several sections authorizes the financing of the excellent programs in this Bill by appropriations from the Highway Trust Fund. As they all treat with highway safety, there is certainly some merit in this approach. However, the Trust Fund is highly specialized, and a little stretching is required to bring these programs within its purposes. The entire transportation program encompasses the *Department of Transportation Act* as well as this one, and encompasses many massive safety program. All of the others are financed from the General Fund. The amount of money in the period involved does not indicate that a severe impact would occur on either as a result of these programs, but

consistency dictates that these programs should be financed from the General Fund. We urge amendment to this effect.

JUDICIAL REVIEW

Section 103 provides for the right of judicial review of orders imposing safety standards in generally satisfactory terms. However, the requirement that the case be one of actual controversy as to the validity of an order (in the absence of any legislative criteria for the order) will be one that will be difficult to meet in any case except the most flagrant abuse of discretion. The further detailed wording in connection with the time limitations seems to indicate that, as a practical matter, the only persons who will be able to qualify for eligibility will be manufacturers. Particularly in the case of commercial vehicles, it is easy to see numbers of cases where users would have a real interest which would not be important to manufacturers, but would be unable to qualify. Some associations and other organizations would have interests which would be justiciable in matters under the Administrative Procedure Act; not under this one. We urge that section 103 be amended to provide eligibility for judicial review in terms similar to those of Section 10 of the Administrative Procedure Act (5 USC 1009).

DISCRETION

Section 402(b) would give the Secretary administrative discretion in the apportionment among the states of 25 per cent of funds appropriated to state aid programs hereunder. The idea of administrative discretion in addition to a population formula is good. Unquestionably, needs will be greater in some low population states than in more populous ones. Unquestionably, the fact of such discretion will, in addition, give the Secretary some leverage in encouraging desirable uniformity for improved safety in states which otherwise might be a little recalcitrant. However, the sum of 25 per cent appears a bit high. It is sufficient to extend to a strong instrument of coercion in matters extending beyond the programs hereunder. We strongly recommend that this discretion be reduced to an amount not more than 10 per cent of the total.

CIVIL PENALTIES

Section 108(a) provides for civil penalties of not to exceed \$1,000 for each violation of section 107. Others have quarreled with the amount and aggregate limitations. We shall not. We are concerned with the mechanics. The section does not state how or by whom the penalties may be imposed, although paragraph (b) gives the Secretary authority to compromise them. Section 109, *et seq.*, treat of the jurisdiction of the United States District Courts, and appear to exclude the matter of these penalties. We suggest that it is preferable that the Congressional intention be expressed in the legislation, and urge that this section be clarified.

CONCLUSION

The amount of this statement which has been taken up with our concern for needed or recommended amendments could be misread. It might leave the impression of a rather negative position on our part. We reiterate that, in our view, this Bill is urgently needed as a part of a badly needed total package. We believe the amendments we advance will strengthen the measure, and we ask that you adopt them, but we urge most strongly that you enact the entire Act as promptly as possible.

STATEMENT BY VERN L. HILL, PRESIDENT, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

We appreciate this opportunity to file a statement of our views as they relate to provisions of H.R. 13228.

The American Association of Motor Vehicle Administrators represents State and Provincial officials charged with administration and enforcement of motor vehicle laws. Membership also includes representatives from Federal agencies which have traffic safety interests. These include the Bureau of Public Roads, the Interstate Commerce Commission, and the Public Health Service. Through our Association many cooperative projects have been developed.

As responsible State and Provincial officials our members recognize, as does this bill, that the accident problem is divisible into two parts which can be

designated as cause and effect. Our members are vitally interested in eliminating the causes of accidents. We are equally interested in minimizing their effects.

Our experience shows that seldom is any accident traceable to any single factor, but rather to intricate involvement and interaction of the driver, the vehicle, and the road.

Our approach to the accident problem has been, and must needs be, directed to each of these three factors. This means a unified safety program which the members of the Association have long recognized.

Our members recognize that it is not enough to say that governmental responsibility ends with trying to prevent accidents. We recognize that responsible government has a duty to also seek to minimize the effects of accidents.

We support the declared intent of this bill which is two-fold: first, to reduce the number of accidents; and second, to reduce the deaths, injuries, and damages resulting from traffic accidents which do occur, irrespective of their cause. If it is possible to reduce the effects of accidents by up to 50 per cent, as some representation has been made, government has a responsibility to seek to effect this saving.

In my testimony before the House Committee on Public Works, I said we don't have to tell the Congress that as an Association of State Officials we are committed to the position that motor vehicle and traffic safety administration is and should remain a function of the states.

This position, together with our membership's many years of experience at the State and Provincial level, permits us to advise candidly with the Congress, through this Committee, regarding the merits of this proposed legislation. If H.R. 13228 is to become the law of the land, we want it to be the best law possible. We want it to be workable and effective. Thus we make these specific comments and recommendations.

Under Title I, the Secretary is required to review existing motor vehicle safety standards, "public and private," and the degree of effective compliance therewith, and if he determines that there is need for new or revised standards, and, if certain other conditions exists, to establish such new or revised standards. This provision, as written, provides no criteria to guide the Secretary and permits the total exclusion of the States in the standards formulation process. Federal experience in this area is minimal and the Federal Government can ill afford to exclude, or permit the exclusion of, the knowledge and experience which is presently available at the state level.

We, therefore, recommend that Section 102 of Title I be amended to provide that *the states shall participate as a full partner in determining motor vehicle safety standards*. This could be effected by a requirement "that the Secretary may, after consultation with and upon the advice of the states, through the American Association of Motor Vehicle Administrators and the Vehicle Equipment Safety Commission, establish and issue . . . safety standards for motor vehicles or motor vehicle equipment."

Much has been said regarding the State-Federal partnership which this bill provides. However, Paragraph "(b)" of section 102 does not spell out partnership. It spells out pre-emption; total pre-emption. Note the language beginning with line 20, page 4: "No state or local government law, regulation, or ordinance shall establish a safety standard for a motor vehicle or item of motor vehicle equipment in interstate commerce if a Federal motor vehicle safety standard issued in conformance with the provisions of this title is in effect with respect to that motor vehicle or item of motor vehicle equipment; and any such law, regulation, or ordinance purporting to establish such safety standards and providing a penalty, or punishment for an act of non-compliance therewith shall be null, void, and of no effect."

This provision, if permitted to remain unchanged, appears to preclude the use of state enforcement efforts and limit enforcement to the manufacturers' level. It would make intrastate regulation of motor vehicles and motor vehicle equipment futile and it may void state inspection programs which are encouraged under other provisions of the President's Safety Program.

This provision apparently means that state enforcement personnel will be without authority to enforce motor vehicle and motor vehicle equipment standards. This bill is fatally deficient if it means to limit enforcement to the manufacturers' level. It is equally defective if it contemplates enforcement against individual motor vehicle users since state officials have no present authority to enforce Federal laws. If this bill contemplates individual enforcement by Federal officers, none are provided, and if they were, it would take a Federal Constabulary at least of the size of the combined highway patrol forces of the states.

This would be a duplication and a fragmentation of the total enforcement effort.

In addition, if Federal enforcement at the individual level is contemplated, this will by-pass our existing state courts and require expanding present Federal courts or creation of a new level of Federal courts to provide a forum for handling motor vehicle and motor vehicle equipment safety violations.

We recommend that the above cited preemption provision be deleted and that this section be rewritten to provide that state motor vehicle and state motor vehicle equipment standards "should be in accordance with uniform standards approved by the Secretary." This would bring the provisions of this Title into conformity with the provisions of Title I of H.R. 13290, and the suggested language is taken from that bill. An alternative would be to specify that nothing in this Act should be construed to prevent the states from establishing and enforcing state motor vehicle safety standards not inconsistent with standards issued by the Secretary.

These changes would not affect the provisions relating to Federal standards for vehicles in interstate commerce and would permit the states to continue to regulate the condition of older cars now on the road and new cars when they move intrastate.

Section 104 providing for a program of "Research, Testing, and Development," meets a need which we have long recognized. In order to make this section effective in advance of the completion of the research facilities authorized in H.R. 13290, we recommend that paragraph "(e)" be amended so as to give priority to awarding grants to universities, state motor vehicle department research facilities, and to the Vehicle Equipment Safety Commission for performance of activities authorized in this section.

Section 105 authorizes the Secretary to advise, assist, cooperate with, or enter into cooperative agreements, with and receive and expand funds made available thereunder by Federal agencies, State or other public agencies, businesses, universities, etc., in the development of (a) motor vehicle standards, (b) method for inspecting or testing under motor vehicle standards, and (c) motor vehicle and motor vehicle equipment test methods and test equipment. Since it is unlikely that any state funds will be available for this purpose, we suggest that this provision should be amended to authorize the Secretary to seek the advice, assistance, cooperation of, and to enter into cooperative agreements with and provide the funds for "Federal agencies, State or other public agencies, businesses, universities, or other institutions in the planning or development of such standards."

We recognize the value of personnel training. We believe, however, that state personnel training programs should be encouraged and continued. We therefore recommend that section 106 be amended to provide for Federal assistance to the states to support and supplement the states' training efforts.

Section 113, designed to avoid duplication of effort, should be amended to read substantially as follows: "The Secretary, in exercising the authority under this Act, shall utilize the services, research and testing facilities of universities, state motor vehicle departments, the Vehicle Equipment Safety Commission, and of other Federal agencies and departments to the maximum extent practicable in order to avoid duplication in facilities and services operated by and available from such universities, state motor vehicle departments, the Vehicle Equipment Safety Commission, and other Federal agencies and departments."

We are not unmindful of criticism of Section 115 which provides an appropriation from the highway trust fund. We recommended that this section be amended to provide for appropriation of these amounts from the General Fund.

The amounts appropriated in this bill may be inadequate. We recommend that this Committee re-examine these amounts as to their sufficiency.

What we seek to do is to provide the framework for an effective state-Federal partnership effort. We will share our problems with you—we ask that you share your solutions with us. To share our problems is to share in solution seeking. To this end we pledge our best efforts.

The foregoing has been offered in a spirit of helpfulness. We are persuaded that our suggested changes will make a more effective bill. We hope that you too are so persuaded.

STATEMENT OF NATIONAL DRIVERS ASSOCIATION FOR THE PREVENTION OF TRAFFIC ACCIDENTS, INC., ON REDUCTION OF TRAFFIC ACCIDENTS

Special notation

The thought, so prevalent in public debate, that, "the primary accident is not preventable," is entirely unfounded in fact. If no effort is made to make *billions*

of accidents physically impossible of happening, then it might properly be assumed that the primary accident would continue to occur. However, the complete neglect of the basic causes of most violent, killer, or disabling accidents, is obvious when it is stated so often at public conferences that the "Causes of accidents are not yet known." This is entirely wrong, for many, many types of disasters are easy to avoid in the first place—by not having that particular type of accident possible on our streets and highways.

Fundamentally, the *greatest obstruction* to progress in this phase of traffic accident prevention is to be found in *divided authority*. Broken down, there is little chance for any authority to make a comprehensive change. Due to this fact, it impinges upon the federal government, abetted by the public wish, to take the lead, as the top authority of the land, in setting up standards in all fields to produce the desired result of safe motoring, and this to be done without singling out a special field to take the brunt of the burden.

Since the perennial fields have been (a) the driver, and (b) the vehicle, it should now be the turn of the highway environment dangers to be brought under the focus of the spotlight. Contrary to accepted belief, the highways have not improved as far as driving safety is concerned. The very simplest of safety items have gone unimproved, as though they received not the slightest attention. A five (5) percent reduction in traffic accidents through the control of drivers would be phenomenal. Likewise, a five (5) percent reduction of overall accident rates would be improbable from the building of perfect automobiles.

Building perfect highways however, which could match the presently developed perfection of driving ability, and the instant degree of perfection in the automotive vehicle, would reduce the possibility of quadrillions of exposures to driving dangers, and thus provide an automatic, non-reversible reduction of traffic accidents. To those who wish to pursue the course of reduction in traffic accidents, and especially the violent type, we ask that attention *in depth* be given to the recommendations, which follow in twelve (12) recommendations of policy change, of the National Drivers Association for the Prevention of Traffic Accidents, Inc., a non-profit, educational association organized by professional drivers.

1. *Universal one-way streets*.—The elimination of two-way streets, perhaps on a five (5) or ten (10) year schedule, would have the following effect:

- (a) Prevent violent head-on accidents in normal traffic.
- (b) Eliminate the left-turn dangers and congestions.
- (c) Reduce pedestrian dangers from too many directions of traffic with which to contend.

2. *Universal off-street parking*.—Ridding the streets of parked cars would reduce hazards from:

- (a) Drivers pulling back into traffic from parking spaces.
- (b) Drivers slowing in midblock to select a parking spot.
- (c) Car doors being thrown open into moving traffic.
- (d) Drivers in street after leaving vehicles on street side.
- (e) Children running from behind parked vehicles.
- (f) Hitting parked cars in emergency maneuvers.
- (g) Hitting parked cars under other circumstances from above.
- (h) The dangers attendant parking cars in the street overnight.

3. *Perfect profile highways*.—Any dangers whatsoever other than from other vehicles using the streets, should be impossible between the property lines of streets and highways. Raised items of warning can be made of rubber, and instructions to drivers can be made otherwise than upon dangerous signs.

4. *Fixed-object removal*.—Fifty-five (55) percent of all violent, death-dealing, serious injury-producing, and heavy property-damage accidents can be prevented simply by removing, and then prohibiting a single one of the twenty (20) killer fixed-object hazards to be found on present streets and highways. The presently existing stationary hazards constitute more than 600,000,000,000 exposures to disaster in driving.

5. *Silhouette lighting for roadways*.—A single set of headlights, approaching from a distance of more than a mile, can often give more lighting for safe driving than can a highpowered street lamp mounted high above traffic. Such high-powered lights often create blinding rays for long distances on the approach to an intersection or a turnoff point. In addition, they serve poorly as an illuminator of environmental areas near such turnoff points or intersections. Silhouette lighting, properly mounted on the sides of roadways, perhaps in or on specifically designed roadside right-of-way edges, assisted by rubber mounted reflectors as outline lighting for turnoffs and intersections, as well as defining

lanes and giving instructions, can reduce the confusion of mixed traffic on the approach to lane-change points. Such long-distance approach aids to driving is long overdue, and in need of extensive research and use. Especially useful in rainy or foggy weather, the silhouettes lighting principle can be used to prevent accidents on an appreciable scale.

6. *Lithographed highways and streets.*—Signing of traffic directions is approaching the catastrophic stage. At present directioning is entirely inadequate, whether on freeways or at street level.

Traffic lanes lithographed with lettering along the white line areas, with the white line width increased to eight or ten inches, and actually replacing the white lines with the lithographing letters, can provide fully adequate instructions for the motorist, and such data can be supplied in plenty of time for proper use. Information, in this style, can be furnished the driver without his taking his eyes off the highway in any way, and the message can be written out for miles in advance, and repeatedly, so that a stranger to the area follows the needed maneuvers as well as the driver acquainted with the area. Especially valuable is the dividing line data in foggy or rainy weather. This is evident when it is realized that the white line, even without an instructive message, is the only guidance a driver has in such weather.

7. *New accident classification.*—Present accident-type classification is practically useless in trying to determine the basic causes of accident, and should be discarded. Every accident should be classified as to its environmental relations, and as to its relation to regulatory policies at the scene of the accident.

Specifically, this means a classification as to what fixed-object hazards came into play in the accident, and what relation the accident had to two-way traffic and to street-parked vehicles. Without this information, the data accumulated would be of more value to legal decision potentials than to accident prevention policies, or to accident prevention potentials.

8. *One hundred (100) percent elimination of railroad crossings.*—Although railroad passenger hauling was in no way an excuse for railroad crossing dangers, it is becoming more and more obvious that a mixture of road traffic and railroad freight hauling is in need of complete correction. As passengers are more and more eliminated from riding the rails, the freight becomes more and more a nonsensical danger to human life. Since the greatest value is to the public, NDAPTA recommends that a non-custom-built separation structure be designed to speed up crossing elimination. It is further pointed out that with such mass-produced structures, the public can save money on crossing elimination even without the financial aid of the railroad.

9. *Freeways through the centers of towns.*—Freeways through the centers of towns can eliminate the congestions due to massive interchanges. For example:

- (a) Feedoff from freeways onto one-way streets.
- (b) Feedoff from freeways on right side of freeways.
- (c) Feedon to freeways from one-way streets.
- (d) Feedon to freeways on the left side into full on lanes.
- (e) Separation of freeways in town by several blocks.
- (f) On and off freeways from different one-way streets.

No less than an innovation is needed in building and directioning freeways through towns. The main value is in using public property streets which eliminates the expensive new-property buying, and the long delay in legal release of such new properties.

10. *Construction of sample highways.*—Perfect profile highways are the only complete solution to totally unnecessary hazards on streets and highways. At present the most simple or corrective measures is being ignored, and the public is completely unaware of the potential in accident prevention inherent in perfect profile roadways.

11. *The use of professional driver experiences.*—NDAPTA especially recommends that trained professional drivers of millions-of-miles of experience be used in committees, and called to conferences which seek to eliminate traffic dangers.

12. *A national TV show for driver training and education.*—NDAPTA recommends that people in official capacities encourage the idea of a national TV show, put on by professional drivers, and that they lend their influence to assist in the creation of interest for such a show among the network people. NDAPTA encourages the idea that the show be a sponsored, commercial project, or a public supported program through all mediums available.

The foregoing outline of an integrated program which we feel is a positive contribution to highway safety, and which does not appear elsewhere, is our carefully researched recommendation. We will be happy to expand upon the points here presented, possibly before your committee if feasible.

STATEMENT BY GEORGE BURDON, PRESIDENT, UNITED RUBBER, CORK, LINOLEUM & PLASTIC WORKERS OF AMERICA, AFL-CIO

The United Rubber Workers of America, AFL-CIO, represent substantially all of the 72,700 Production and Maintenance workers employed in the tire industry in 1965; our average per capita membership in the rubber and allied products industries in the United States and Canada was approximately 170,000 in 1965.

The URW has a vital concern in S. 2669 (the Tire Safety Act of 1966), both because our members are directly involved in the production of automotive tires, and because all of us in the URW are distressed, as citizens, over the growing holocaust in deaths and injuries on the nation's highways.

We support, in substance, the provisions of S. 2669—unanimously adopted by the U.S. Senate on March 29, 1966—calling for—

The establishment of minimum safety and performance standards for all automotive tires,

A requirement that all tires be clearly labeled with pertinent safety information,

A requirement that all tires be graded according to quality.

We most respectfully urge that, in addition to the above provisions, a fourth major section be added to S. 2669, requiring the Secretary of Commerce to develop a program for *periodic inspection of motor vehicles*, including specifically and particularly *tire inspection*, for all motor vehicles licensed for operation in the several states. Whether such inspection should be established on a Federal basis, or via the promulgation of Federal standards to be implemented in each of the states, we leave to the good judgment of the House Committee on Interstate and Foreign Commerce in the first instance, and to the Congress of the United States.

1. Minimum safety and performance standards

We support the development and adoption, on a Federal basis, of minimum safety and performance standards for automotive tires. We believe that such standards will add to, not detract from, the "image" of the tire industry—and will consequently be translated into expanded sales of tires. Our concern is both for the job security of tire company employees who are members of the URW, and for the future of these companies as represented by the managements responsible for their operation.

Tire builders are among the most highly skilled and prestigious workers within industry. The knowledge and production know-how which these employees have developed has had to be adapted, over the years, as tire production techniques have changed. This same observation applies equally to the skill and technical knowledge of employees in the variety of production and maintenance jobs associated with the building of a tire.

Output per production worker has increased significantly in the automotive tire industry in the last fifteen years; the attached table lists production of automotive tires per production worker in the United States for 1959 through 1965. During this fifteen-year period, automotive tire production has increased 80.97%, and tires produced per production worker have increased 116.97%—while total production and maintenance worker employment has actually decreased 16.24%.

Our members produce tires under production and technical standards set forth by the rubber companies. These standards do not fall in an area which is subject to collective bargaining and to negotiation: They are set at the discretion of management. We put our best effort into each tire which we build—but the *demand for speed* at which tires are produced, the *engineering specifications* for their production, and the *quality of materials* which go into the tire are the sole prerogative of management.

The URW's support of minimum safety and performance standards for automotive tires is therefore based on (1) providing assurance to URW members that their pride of craftsmanship is not sacrificed to the lowest common denominator of the marketplace; and (2) providing assurance to the general public that it is buying a quality product, with which the name of the URW can be associated in good faith.

2. Labeling with safety information

We support all reasonable measures which will provide more *comprehensive* and more *comprehensible* information to the consumer. We cast no aspersions on our own industry directly—because the standards of advertising are set by the economy as a whole—but we have long suspected that the “super-safety” and “roadability” claims of various brands of automotive tires have served only to confuse—rather than to enlighten—the consumer.

3. Quality grading of tires

The URW supports quality grading of automotive tires for the same reason that we support labeling with safety information.

The consumer is entitled to the clearest-cut usage possible of the English language in telling him what he is getting for his dollar. Catch-phrases are no substitute for a consistent and industrywide terminology, by which the automobile owner may make an intelligent decision in purchasing a tire.

The industry's fears on this provision of S. 2669 are, we believe, unfounded; we believe that this provision will lead to clarification—not to regimentation.

4. Compulsory inspection

We support a rational approach to the solution of the hazards involved in the private operation of a motor vehicle—the only remaining unregulated sector of the public transportation industry; when a motorist drives on a public highway, he is—although engaged in a private activity—effectively a part of the community's public transportation system.

We therefore support safety standards for motor vehicles. Such standards, however, will not be meaningful unless they also provide for *periodic inspection* of such vehicles and the tires on which they run—thereby making effective the enforcement of safety standards at the manufacturing level.

We read with great concern a headline in the *Akron Beacon Journal* for February 20, 1966, which stated: “Tires Cause 1 Crash In 8 On Ohio Pike”. While this headline is far from the whole story on the relationship between tires and automotive safety, such stories must give all of us pause to think. (Copy of article attached.)

We therefore support S. 2669—with the addition of compulsory inspection—as a substantial step forward in assuring that automotive tires are not a contributing factor to our national highway toll of death and destruction.

We support, in a word, “truth in packaging”; the consumer can best protect himself and his family by demanding consistent and meaningful product information, provided through objective Federal standards—as well as by withholding his purchase of products made under sub-standard conditions of quality and performance.

Production of automotive tires (passenger car, truck, and bus) per production worker in the United States, 1950-65

Year	Automotive tire production (thousand units)	Production (and maintenance) workers	Tires produced per production worker	Percent increase (decrease) over previous year's production per worker
1950	92,754	86,800	1,068.6	
1951	83,405	89,800	928.8	(13.08)
1952	90,411	94,900	952.7	2.57
1953	96,121	94,700	1,015.0	6.54
1954	89,141	81,400	1,095.1	7.89
1955	112,119	90,500	1,238.9	13.13
1956	100,365	87,000	1,153.6	(6.89)
1957	106,906	85,100	1,256.2	8.89
1958	96,536	76,600	1,260.3	.33
1959	117,916	77,000	1,531.4	21.50
1960	119,757	76,800	1,559.3	1.82
1961	116,734	70,600	1,653.5	6.04
1962	133,812	72,200	1,853.4	12.09
1963	139,126	69,800	1,993.2	7.54
1964	158,083	70,500	2,242.3	12.50
1965	167,854	72,700	2,308.9	2.97

Percentage increase (decrease) over period 1950-65

	<i>Percent</i>
Automotive tire production.....	80.97
Production (and maintenance) workers.....	(16.24)
Tires produced per production worker.....	116.07

Source: Rubber Industry Facts, published by Rubber Manufacturers Association, New York, N.Y.; Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C.

BEHIND THE FRONT PAGE—TIRES CAUSED ONE CRASH IN EIGHT ON OHIO PIKE¹

(By James S. Jackson and Robert Stopher)

One of every 8 accidents on the Ohio Turnpike in 1964—117 in all—was caused by defective tires, a just-issued report by the Ohio Turnpike Commission reveals.

"Special investigations by the Ohio Highway Patrol and the disabled-vehicle contractors revealed, as might be expected, that an overwhelming proportion of accidents and disablements due to tire failures resulted from blowouts," says the report.

"Nor was it surprising that a high proportion of the tires which blew out were well worn and sometimes bald of tread. Unforeseen, however, was the fact that 30 per cent of the tires which failed in this manner appeared to be in good condition; several were reported as new.

"The reports of the investigators were to the effect that most of the failures of new tires were side-wall failures, indicating possible previous hard contact with curbs or other objects."

NOTE.—Elsewhere in the report, statistics show that a total of 15,062,978 vehicles used the turnpike in 1964 and traveled a total of 1,147,080,618 miles.

STATEMENT OF CARROLL W. BOYCE ON BEHALF OF PRIVATE TRUCK COUNCIL OF AMERICA, INC.

Mr. Chairman, members of the committee, my name is Carroll W. Boyce. I am a resident of Norwalk, Connecticut. By occupation, I am editor of Fleet Owner magazine, a business publication of McGraw-Hill, Inc., with offices located in New York City. I am appearing here today on behalf of the Private Truck Council of America, Inc., and as a member of its Board of Directors. May I introduce William A. Quinlan, Special Counsel for the Private Truck Council of America and John C. White, Managing Director of the Private Truck Council.

We very much appreciate this opportunity of appearing before this Committee, and of reflecting the views of the Council about the proposed highway safety legislation.

The Council's nation-wide membership, directly and through affiliated associations, includes businesses of many kinds which operate motor vehicles as an incident to their primary enterprises. Private truck operations are, for example, conducted by the baking, petroleum, chemical, paper, beverage, meat packing, dairy and various other industries.

Council's articles of incorporation provide in part that its purposes shall include cooperation with government agencies in the public interest and in the interest of safe and economic operation of privately operated motor trucks, and presenting such agencies the views of private motor truck operators.

COUNCIL POSITION

As aforesaid, our appearance today relates to various highway safety bills, and, particularly H.R. 13228.

The complete text of the Council's statement with respect to H.R. 13228 as adopted at its Annual Membership Meeting in San Francisco on April 21, is appended to this statement for your records. (Appendix A.) I would appreciate it being made a part of the record. Unless you would like me to read the complete text, I believe the essence can be suggested in a short paragraph.

"* * * it is yet too early to fully comprehend and understand the full impact and effect of the Administration's transportation proposals * * *. Therefore, pending much further study, discussion, and dialogue, the Council takes a position in opposition to Title I of H.R. 13228, which gives the Secretary arbitrary

¹ Source: Akron Beacon Journal, Sunday, Feb. 20, 1966, p. H 3.

powers of a confiscatory nature over vehicle safety standards and severely limits judicial review of this actions."

Many parts of H.R. 13228 are excellent; and I believe that if substantial portions of Title I had not been included or had been drastically altered in form, I would be here today offering not merely endorsement but suggestions for enlarging and strengthening it. However, it is the Council's view that the sometimes ambiguous and sometimes threatening provisions of Title I require our exclusive attention at this time.

Let me make clear that we are not appearing in opposition to vehicle safety standards *per se*, though some of our members question their necessity at this time. What we do oppose is the breadth of authority vested in a single individual, the lack of legal safeguards surrounding that investiture, and the haste involved in initiating procedures of such magnitude.

Section 110 would invest the Secretary with power to "seize, condemn, and destroy" motor vehicles or motor vehicle equipment not in conformance with standards promulgated by the Secretary. It seems to us that the Congress should hesitate to grant power to invoke such a confiscatory remedy to any officer of the Executive Branch. We believe this is an extraordinary and rare delegation of Congressional power. The only prior application of which we are aware (except admiralty, where the proceeding originated) has been in the Food and Drug Act. Even in the Food and Drug Act, the Congress recognized the unusual nature of its action, and surrounded the seizure provisions with safeguards some of which are not present in H.R. 13228. The drafters of this bill omitted the entire proviso which appears in Title 21, Section 334, subsection (a) of the U.S. Code pertaining to seizure of food and drugs, and which protects against possible abuse. We believe such protection to be equally essential here.

We question seriously the need for seizure, rather than the more usual remedy of cease and desist orders. But if the Congress concludes that such drastic procedures are necessary, we urgently request that adequate legal safeguards be provided.

In the hands of an incompetent or an inebriate a motor vehicle can represent a "clear and present danger," to be sure; but so can a mail order rifle or a pocket knife.

Yet the terms of this proposal would not require the Secretary to demonstrate a clear and present danger to support the standards he promulgates. He would merely be required to determine a "need" for a standard. Furthermore, the only recourse available to any party adversely affected by such a determination or by the resulting standard would be a judicial proceeding in which the Secretary's finding would have to be accepted as conclusive "if supported by substantial evidence." We suggest that, as a minimum, the additional phrase, "on the record taken as a whole" be added, as the Congress later found it necessary to do when amending the National Labor Relations Act.

At this point, will you permit me a brief personal note? Accident statistics are woefully weak, and safety statistics are even weaker, but I suspect that a Secretary would have little difficulty finding "substantial" evidence, probably even taken on the record as a whole, that a convertible is inherently an unsafe car when an accident does occur. Is the Secretary to be given the authority to forbid production and sale of convertibles? I recognize the convertible as less safe than a sedan, but I am willing to accept that risk. Perhaps some of you would prefer to enjoy this nice Washington weather in a topless car, rather than expose yourself to the knee-knocking dangers of an air-conditioning unit. Are we to be denied this choice?

That gets me right into another point. Just how great are some of the dangers involved? We don't really know. Most of the research to date has been uncoordinated; most accident statistics are inadequate at the point of origin and poorly correlated at the point of dissemination. Happily, portions of Title I, Title II and III of H.R. 13228 will be most helpful in overcoming this deficiency; but it won't happen overnight.

Meantime, this legislation proposes to invest the Secretary with the right to promulgate standards without even holding a hearing, if it happens to be his judgment that a hearing is "unnecessary." This procedure is made available under Section 4 of the Administrative Procedures Act; and I am sure you gentlemen are aware that Executive and regulatory agencies frequently take advantage of this shortcut.

Obviously, hearings sometimes drag on almost interminably, and are sometimes sought by opponents of a proposed action as a delaying tactic. But where we are dealing with an area in which resource information is so scattered and

frequently subject to misinterpretation, it would seem highly desirable that public hearings on proposed safety standards be made mandatory. If and when a sufficient body of knowledge is assembled, analyzed, and codified in the Secretary's office, the Congress could consider removing such a requirement. In the meantime, it could serve to prevent hasty action that might have serious long-term consequences.

What we are suggesting is no radical departure. We merely suggest that hearings be required and be conducted in conformity with Sections 7 and 8 of the Administrative Procedures Act (rather than Section 4, as now proposed).

Let me offer you a possible parallel here: When so-called compact cars were introduced several years ago, many casualty insurance companies felt their prior rather limited experience with cars of this type justified offering lower insurance rates than on so-called standard cars. Now they have had to cancel that reduced rate, because their experience shows that compacts do not have any lower accident involvement rate. In fact, the Bureau of Public Roads about three years ago came up with some figures to indicate that low-horsepower cars (generally those in the compact group) actually have a higher involvement rate.

Even with hearings, unfortunate mistakes can be made. California has often led other states and the Interstate Commerce Commission in its safety regulations on commercial vehicles. But a California regulation on truck brakes proved out to create more hazards than it corrected, and had to be withdrawn after about 8 months of experience and tremendous expenditure by the commercial fleets that had been modifying their trucks and tractors to comply with it. This is merely another example of why we ask for care and deliberation.

May I now turn to a point of major ambiguity in the proposed legislation? Section 101(c)(1) provides for complete exemption from vehicle safety standards for any commercial vehicle "subject to safety regulations under Part II of the Interstate Commerce Act." It seems to me inconsistent—and perhaps open to a constitutional question, though I hasten to emphasize I am not an attorney—that vehicles operating intrastate should be subject to proposed Federal vehicle safety standards, while those operating interstate are specifically exempted. It is true that the so-called "ICC vehicles" are subject to certain safety regulations; but these regulations apply sanctions only after the vehicles are placed in operation, and in no way do they affect the manufacturer of the vehicles or equipment.

Thus we have the interesting situation in which an inter-state operator could go to a manufacturer and buy a vehicle patently in violation of the Secretary's vehicle safety standards. This would be an entirely legal transaction on the part of both the manufacturer and the operator. The only possible penalty would accrue to the operator if he were caught actually operating it in violation of ICC regulations. And, of course, there is no assurance that ICC regulations would be consonant with the vehicle safety standards of the Secretary.

This, however, is not the end of the problem. Say the inter-state operator buys the off-standard truck, and then turns around and sells it to an intra-state operator. The proposed legislation applies only to manufacture and first sale of vehicles or equipment. We now have an off-standard truck that cannot be touched by any existing federal legislation or regulation; the only way to get it modified or get it off the road would be the slight chance that it fails to conform to some state regulation. And this chance would be very slight, since the proposed Traffic Safety Act of 1966 specifically nullifies any state or municipal law or regulation in an area where the Secretary has issued a federal vehicle safety standard.

Gentlemen, I realize that the language of the pending bill provides exemption for a vehicle "after the first purchase of it in good faith for purposes other than resale." But it seems to me that with the rather severe penalties that attach to manufacturers and vendors, these parties would be required as a matter of self-protection to make extensive inquiry into the business and even the motives of their potential customers. As a personal aside, I might suggest we have already had quite enough private detectives getting involved in automotive safety; let's not write the law in such a way as to bring in the whole fraternity.

Having pointed out the ambiguity or inconsistency of the so-called "ICC vehicle" exemption, you may properly ask how we would propose to correct this matter. As a spokesman for the Private Truck Council of America, I cannot answer that question. It is so complex, and has so many ramifications that in the limited time available to us since this legislation was first introduced on March second of this year, we have been unable to formulate a clear policy on this point.

Personally, I find it difficult to rationalize any middle ground between having no federal vehicle safety standards, and applying such standards to all vehicles, without exception. As the editor of FLEET OWNER magazine, I am already on record to that effect. But I find it easy to understand why my colleagues on the Board of the Private Truck Council felt faced with a Hobson's choice in this matter: Opposing any federal vehicle safety standards would have given the appearance of opposing safety itself. Or opposing an exemption which, if it can be made workable, will likely redound to their economic benefit by allowing them to purchase and operate less costly vehicles. This is why they ask that you make haste slowly in your deliberations: That you leave no stone unturned in your search for legislation that will serve the greatest public good while offering the greatest practicable degree of protection to all of the many groups which must share the burden and the cost of improving our highway and traffic safety record.

We feel sure that our basic objective is the same as yours. Despite our serious reservations about Title I, we assure you that our intent has been to be constructive with respect to ultimate results. The only special pleading we make for ourselves is this: Give us the opportunity to contribute our full share of the effort; assess us only with our fair share of the cost.

APPENDIX A

PRIVATE TRUCK COUNCIL OF AMERICA, INC., WASHINGTON, D.C.
27th Annual Meeting, April 21, 1966, San Francisco, Calif.,
Sheraton-Palace Hotel

COUNCIL POSITION ON ADMINISTRATION'S TRANSPORTATION PROPOSALS

The Private Truck Council yields to no one in its interest in Highway Safety. The Council, as an organization, and its member companies, has a long and distinguished history of safety work—going all the way from the development of mechanical equipment through the design of highways, the revision of traffic laws, to that very important phase, the training of the individual driver.

Likewise the Council approves and supports the most efficient, and the most fair and effective relationship of the government to the problems of highway transportation.

Council members feel, however, that even with their background and special interest in this field of transportation, it is yet too early to fully comprehend and understand the full impact and effect of the Administration's Transportation proposals. Mature and careful consideration should therefore be given these proposals because they involve matters of tremendous scope in an area of great importance.

They urge that time be given for additional hearings, that encouragement be given to editorial comment upon the proposed laws, that time be given for further dialogue, that the Congress give itself the benefit of that crystallization of public opinion which results from the deep and full understanding that comes from a more deliberate approach.

S. 3005 (H.R. 13228) and S. 3010 (H.R. 13200) are of such magnitude and have such far-reaching effect on the transportation industry that much more time is required for study on the part of all interested parties.

Therefore:

Pending much further study, discussion and dialogue, the Council takes a position:

1. In opposition to Title I of S. 3005 (H.R. 13228) which gives the Secretary arbitrary powers of a confiscatory nature over vehicle safety standards and severely limits judicial review of his actions.
2. In opposition to that part of Section 6(e) of S. 3010 (H.R. 13200) relating to the transfer of the Interstate Commerce Commission's safety responsibilities to the new department.

It is understood that Council's opposition in the above two particulars is subject to qualification after a more thorough and detailed study and analysis of the problems involved.

Further, the Council takes a position in favor of a Department of Transportation "in principle," as proposed in S. 3010 (H.R. 13200), with the limitation that regulatory agencies should remain an arm of Congress and that the new Department should assist and guide the Congress in its consideration of changes

and improvements in these agencies, and should work toward the coordination of their activities to the end that the most efficient transportation system be developed.

STATEMENT OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

As an organization of health workers, concerned with any force that exerts a major influence on the health and well-being of the American people, the American Public Health Association has been actively studying the problem of automobile accidents for a major part of the past decade. During this period we have offered testimony on legislative proposals concerning accident prevention on a number of occasions.

We have long advocated a coordinated rather than piecemeal solution to this national problem. It is with considerable satisfaction, therefore, that we note this trend in the current discussion of automobile accident prevention. For example, H.R. 13228 seeks "to provide a coordinated national safety program * * *." The President has recommended establishing a National Transportation Safety Board, of Presidential appointees, and declared his intention that "the carnage on the highways must be arrested."

We are heartened by this top-level recognition of the need to control a major hazard to American lives and health. It appears that this nation may soon be starting an effective campaign against slaughter by auto. We would like to offer some comments with the hope that the important health and medical aspects of accident prevention will be adequately recognized and that health and medical resources will be used.

The competence of the medical worker in accident prevention is of particular importance in dealing with the human factor in accidents, for example, with forces that relate to the driver as the cause of accidents. The medical resource is essential, too, in understanding and coping with the physiological effects of accidents, such as the extent of injury, symptoms, and ways of lessening injury when accidents do occur. Also, we are beginning to realize that we may be able to save lives and prevent disability by better emergency medical treatment and by removing some of the harmful aspects of that treatment as it now exists.

These are important aspects of accident prevention and of reducing the toll in human life and injury when accidents do happen. Considerable work along these lines has been accomplished in the past five years by the Division of Injury Control (formerly the Division of Accident Prevention), since its creation, within the Public Health Service. We believe this Division has functioned well, considering the extreme limits on funds and size of staff within which it has had to operate.

We believe there is an important role for this agency to play. We hope that any newly mounted, continuing program to combat automobile accidents will utilize fully the experience, knowledge, and resources of the injury control experts within the U.S. Public Health Service and the competence of that Division.

Our official position, reflected in a membership resolution, advocates that "public health agencies assume active roles in all types of accident prevention programs." We have also asked "that consideration be given to the advisability of establishing within the Federal Government, a National Accident Prevention Center, to coordinate the activities of various accident prevention agencies within the Federal Government in order to improve the safety of the people of the United States, through research, investigations, experiments, and demonstrations relating to the cause of and means of preventing accidents."

The President's recommendation would provide such a center for Transportation Safety. We urge that medical and health knowledge be brought to bear on these safety problems as appropriate. It is important that research on all the medical, health, and physiological problems related to accidents be strengthened and built into any expanding program, from the beginning.

It is to be expected that health and medical research experts will be consulted in connection with setting automobile safety standards, since the physiological characteristics of the driver, passenger, and pedestrian are important considerations in this area. Epidemiologic studies of accidents including all factors of causation would contribute significantly to an intelligent basis for developing sound approaches to safety. Important among the health resources are health departments who, through years of experience in safety programs, have developed considerable expertise in this area. Skilled biostatisticians, health edu-

cators, clinicians experienced in chronic disease screening programs, to name a few, could materially benefit this effort to improve safety programs.

From our experience we see no reason to postpone introducing all standards for at least two years. Certain accepted standards can be effective almost immediately. The administering agency might be given authority to inaugurate those which have been sufficiently investigated. We would like to recall at this point that considerable research and study has been going on for a long period of time. If that study indicates that certain minimum standards are essential for saving lives or preventing injuries, why should we allow a "grace period" of two years before we even start the program rolling to save those lives and prevent those injuries?

Eight years ago in 1958, the Governing Council of the American Public Health Association gave recognition to the necessity for the use of seat belts "which meet acceptable standards." Four years ago, in 1962, our organization advised the Chairman of the Health and Safety Subcommittee of the House Committee on Interstate and Foreign Commerce that we supported a bill before the Committee at that time "to provide that seat belts sold in interstate commerce for use in motor vehicles shall meet certain safety standards."

We see no reason to take now a weaker position than we did in those earlier years. The need for standards has increased rather than diminished. We are aware of few if any agency outside the government that has committed itself to correcting dangerous design factors, to identifying and supplying safety devices, to policing abuses by irresponsible manufacturers. Yet there are automobile and equipment features which contribute to accidents, or cause death and unnecessary disability once an accident has occurred. No responsible agency is going to force the manufacturing industry into a position that cannot be justified by the nature of the minimum standard as that standard relates to loss of life and human injury. Our main concern is individual human life and well-being. Therefore, let us not tolerate needless delays.

As one expert has pointed out, Federal safety regulation is precisely what the Civil Aeronautics Administration has been doing in the field of aviation for forty-five years—"not the least of its results being that it is much safer to fly in an airplane than to drive in an automobile."

Setting standards immediately for tires, as advocated in H.R. 688, and requiring appropriate safety devices on automobiles, and advocated in H.R. 414, seem to be proposals that could be incorporated easily into the framework of a coordinated national safety program as proposed in H.R. 13228 and H.R. 12548. We favor the general functions outlined for a coordinated program, such as establishing standards for motor vehicles and equipment, expanding safety research and development, and providing financial aid to the States for the purpose of developing State safety programs.

We are glad to see that a number of different approaches are being suggested, since many different causes contribute to automobile accidents. The only program which can succeed is a program sufficiently funded, staffed, and supported to move ahead in many areas—automotive design that will not sacrifice safety to glamour; driver behavior whether affected by driver training, public safety campaigns, by medical examination, or by greater attention to the drinking driver, the young driver, or the old driver; the highway, including its designs and markings, signals, warnings, lighting, and possibly speed limits; and traffic control, including the entire area of licensing, the role of insurance, ticketing and penalty mechanisms, and accident investigation and reporting.

We hope the health and medical sectors will be depended upon for important roles in a strong, new program. It is baffling indeed to work, as we do in the American Public Health Association, to protect people from the diseases of contagion and aging and then see lives snuffed out, and health ruined, by slaughter on the highway. We appreciate the careful attention this Committee is giving the important subject of automobile accident prevention. It is essential to all of us that a well-balanced, strong program result from these deliberations. You have our support for such a program.

STATEMENT OF MERRILL J. ALLEN, O.D., PH. D., ON BEHALF OF THE AMERICAN OPTOMETRIC ASSOCIATION

Mr. Chairman and members of the committee, my name is Merrill James Allen. I am a professor of optometry at Indiana University, and have been associated with the faculty since the Division of Optometry was formed in 1953.

I am a native of Texas, obtained my pre-optometric education at Texas University, and my professional education in optometry at Ohio State University where I was awarded a bachelor's degree in 1941, master's degree in 1942, and a Ph. D. degree in 1949. My education was interrupted by two years of duty in the Navy; first as a seaman second class and later as an ensign and lieutenant j.g. I now hold the rank of lieutenant commander USNR.

During the past seven years I have been engaged in the various research projects; one to study children's vision under a Public Health Service grant, another under a contract with the Air Force to study certain accommodation problems with vision. Another was a one-year study for the Air Force on visual performance and high luminosity connected with various ophthalmic filters. I also directed a motorists' night vision research project under a grant to Indiana University from the American Optometric Foundation. This produced 31 publications which have appeared in optometric, engineering, automotive, and safety journals, both in this country and abroad.

In addition to my membership in the American Optometric Association, I am a member of the American Academy of Optometry, the Association for Research in Ophthalmology, the American Association of University Professors, the Society of Sigma Xi, and the American Association for the Advancement of Science. I have designed marketable instruments for vision, testing, teaching, and recording. I have authored more than sixty-five articles dealing with various aspects of visual research which have been published. My activities include lecturing and television appearances in this country and one for the Canadian Broadcasting Company. Much of my time has been devoted to research in the field of accident prevention, particularly that having to do with automobile accidents.

The American Optometric Association wholeheartedly supports the purposes of the bill; namely to reduce traffic accidents and the deaths, injuries, and property damage resulting from traffic accidents. Its position is best expressed in three recently-adopted resolutions, as follow:

"1. Whereas highway accidents are taking increasing tolls of human life; and

"Whereas adverse visual circumstances are frequently contributing factors in vehicular accidents: Now, therefore, be it

"*Resolved*, That the American Optometric Association does hereby pledge its continuing assistance and cooperation to all enforcement, investigative, insurance, and any other agencies or institutions to determine the part played by vision in accident situations and to continue to assist in determining what may be done to reduce future accidents.

"2. Whereas highway deaths and injuries are continuing to rise; and

"Whereas improvements might be made in the design of motor vehicles to provide greater visual scope: Now, therefore, be it

"*Resolved*, That the American Optometric Association pledges its assistance and cooperation to the automotive industry to improve the design and construction of motor vehicles for the further reduction of visual hindrance.

"3. Whereas difficulty has sometimes been encountered by motor vehicle administrators in determining whether certain drivers should be licensed to operate a motor vehicle because of some visual problem; and

"Whereas safe modern driving frequently requires high speeds and maneuverability which demand the best attainable day and night vision: Now, therefore, be it

"*Resolved*, That the American Optometric Association pledges its support to the program of the American Association of Motor Vehicle Administrators to upgrade drivers' licensing laws and procedures; and be it further

"*Resolved*, That the American Optometric Association urges its constituent state associations and members to lend their support to assist state officials in their efforts to obtain necessary staff and facilities to help update driver-testing procedures; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the American Association of Motor Vehicle Administrators."

There is appended hereto some reprints entitled "Automobile Liquid Glass Tint," "Misuse of Red Light on Automobiles," and "Automobile Visibility Problems."

Optometric interest in highway safety includes not only the care of the eyes of the automobile driver through visual standards for drivers' licenses, but also in the design of motor vehicles, highways, signs, and signal systems. Anyone who

drives in the nation's capital can't help but appreciate the importance of signs used to direct traffic. On some streets, traffic is one way during certain hours in the morning and then is reversed during the evening hours, and this is true only five days in the week. Then, too, the effect of glare and night vision of the driver are also examples of visual problems deserving of further research.

Thirty-six years ago the American Optometric Association began sponsoring significant automobile safety research under the direction of Dr. A. R. Lauer at Iowa State University. References to these studies are conveniently listed on pages 166, 167, 180, and 181 in a publication by Chilton & Company entitled *Industrial Vision*, authored by Henry W. Hofstetter, a member of the board of trustees of the American Optometric Association.

Mr. Chairman, permit me to assure you that the American Optometric Association wholeheartedly supports the bill which you have introduced and stands ready and willing to cooperate in every way possible in carrying out its objectives.

Respectfully submitted.

STATEMENT OF ALFRED L. MOSELEY, A.M., L.H.D., RESEARCH DIRECTOR, TRAUMA RESEARCH INSTITUTE, CAMBRIDGE, MASS.

Section 307 of S. 3005 provides for confidential research information developed in accident investigation.

This provision should be deleted and in its place an obligatory revelation of findings in the courts, and in whatever other circumstances are reasonable. There are several reasons for such a position.

A. The nature of the work is such that there are three major areas of information: people, cars, and roadways. *People* either will or will not cooperate in the investigation by the police or by a research group. If they will cooperate they tell their story. If they will not cooperate, no logic will pry them loose. Some who talk as witnesses are masters of fabrication and should be known as such. *Roadways* do not always record what happens in a collision course, but there is always some information at the scene. It is objective in nature, factual in circumstance, and modified little by interpretation. Records of a collision course on the street are perishable, often within 24 hours. Opportunity for recording is available to those who arrive to study at the earliest time, and then the records are gone. Police departments seldom do an even minimal job of study of the scene. When a research group accomplishes this its records are important to all parties in the case. *Cars* faithfully record what happened in a collision in many ways. They may not be examined in many jurisdictions without permission of the owner, or without (a) an arrest and (b) a search warrant which must specify what you will find, and where—and you don't know in advance (c) a court order impounding the vehicle. If a court order or warrant is used in getting information, then one is responsible to the court for the findings. Examining cars for design description, condition description, injury production, and complicity in a case (such as hit-run) may involve severe dismantling. This can be done once. No other examiner can be certain of covering the same procedures or making the same observations. Since this affects the admissibility and also the weight of information in subsequent examinations it automatically requires that first examinations be available to the courts. Careful research examinations will make observations which are of great importance affecting cause, driver identification, or a circumstance useful to a defendant in a criminal matter. Such information should not be privileged.

B. There is a presumption that traffic cases are accidents, and some may be. In 125 cases in my work there is one case which would be reasonably called murder. There are cases of deliberate collision, two resulting in jail sentences. There are cases in which vehicles have been tampered with prior to collision, raising a suspicion of murder. There are numerous instances of vehicle failure, some of which are of such nature as to trigger a collision course. There are cases in which an important pathology is found in some primary person. None of these findings are of such nature that they should be privileged.

C. In the civil cases growing out of traffic collisions the cases which go to trial appear to be those in which the issues of fact cannot be settled due to paucity of information. Factual disclosure can make trial unnecessary. In other cases the settlement demand demands trial. Here the weight of the evidence is relevant.

D. Time spent in court is very useful to the researcher. He finds what the substantial issues are, and how they are managed. He learns the law which affects his work. He sees principals and witnesses performing under oath and their behavior is one which is very revealing. Time spent in the court room should be included in case planning. When testimony is required from specialists who should not be in court for an entire case, the courts are usually agreeable to an "appointment" for testimony.

E. Some police department policies hold that conference with defense counsel prior to trial to discuss issues and evidence is very valuable to efficiency and economy in the cases. This policy of full disclosure, which includes research findings, may make an agreement about the defense plea, and minimize trial time.

F. A very important aspect of any case is that the facts belong to the participants. They have a proprietary right to the facts in the case. Thus there is a real obligation to those whose lives are affected, and who could not get the information for themselves. There is a moral duty to the injured and the dead on the part of anyone who investigates or researches.

H. In my own research on traffic deaths the presumption was made that we should avoid court procedures. Many people agreed with this. For the first two years no staff person appeared as a witness. However, one person was routinely assigned to attend the trials in criminal matters. Later, there were requests for assistance in criminal cases by the police departments. We requested that a summons be issued. The prosecutors were always fair and the defendant was given fair play in that findings both for and against him were placed in evidence. This is clearly in the interest of justice and thus clearly in the public interest.

We did not participate in any civil cases, and in the meantime in only one. I believe now that this was wrong as a research position, and wrong as a position of community responsibility.

Disclosure of research results will not impede the progress of research, or its accomplishments, and participation in court activities is an important asset to the researcher's knowledge. Court time is minimal, but the research rewards are great.

ALFRED L. MOSELEY.

STATEMENT OF HASKELL B. SCHULTZ

I want to comment on some aspects of safe driving which, although not as sensational as violent highway mishaps, nevertheless represent the only possible chance for a successful national safety program.

I refer to three types of preventable accidents which account for 65% of all urban automobile accidents and 85% of all automobile injuries. These are the commonest kinds of accidents, the every day collisions which account for the greatest part of our enormous annual toll in human injury, property damage, together with considerable loss of life.

Dramatic or not, these three kinds of accidents deserve the concentrated attention of this committee for the very reason that they are preventable—preventable by a massive driver education program conducted on a national scale, and by a massive driver revision of some outmoded traffic ordinances.

If such preventive efforts had accomplished a 10 per cent annual reduction in our annual accident toll instead of the increases sustained, there would have been 11 million fewer accidents over the past three years—an amount equivalent to the total of all automobile accidents in 1963. And this can be done.

The three preventable accidents are

Those which occur at unregulated intersections;

Those occurring at stop streets; and

Rear-end collisions which result from following too closely.

There is a specific driving technique for each one of a dozen types of preventable accidents. New drivers having the advantage of personal instruction in public and private driving schools should be given the opportunity to learn every one of them. At present, these techniques are not being taught anywhere.

However, on the massive scale that a national program would entail, it would be unrealistic and impractical to present more than the three most important techniques.

If you will forgive a mixed metaphor, an ounce of accident prevention is worth a pound of flesh. I learned this lesson the hard way. In 1936, after seven years in the taxicab business, our company was faced with the alternatives of accident prevention or financial ruin.

The successive failure of several insurance companies which had been providing our taxicab liability coverage made it necessary for us to take out a deductible policy and assume a portion of our own risk. Since we could not afford to pay for more than two full claims, our only hope for a successful operation was to be able to control accidents.

I made it a policy to ride with every new driver and some of the older ones to see what could be done to prevent accidents. In time, I formulated a safe driving program which, after 30 years, is not only still in use in my company, but has been adopted by other much larger companies which have paid us substantial fees for consulting services.

The only accidents for which we hold our drivers responsible are the three kinds of accidents I have enumerated. In exchange, we require conscientious observance of the three specific safe-driving procedures established by the company. Of course, we do not tolerate reckless driving or gross negligence.

Our program has been successful for the past 30 years because we concentrate only on avoidable accidents; we do not try to cope with the impossible. I am sure this committee is not searching for the cause of every type of accident, but would be satisfied with the reasonable possibility of attaining a consistent annual reduction. It should be understood that this can be accomplished where the frequency is great enough to offer potential reductions.

The kind of blanket solution to fit all accidents that safety authorities have been searching for is impossible of attainment. It is as if the medical profession were to look for a single serum to cure all diseases. The simple fact is, there are certain types of accidents that are preventable and other types that are not. The sensible approach is to concentrate only on the kind of accidents that can be presented. Intelligently administered, a program to reduce just those accidents that can be prevented is in itself a gargantuan task. That goes for accidents; now about drivers.

I am sure this committee is familiar with the statistics indicating that conservatively 85% of all accidents involve first offenders, or those who have never had a traffic violation. Eighty-five percent of all drivers are average, good drivers.

Often, after explaining the safe driving principles we advocate, a person will say, "Why, that is the way I always drive." That is almost true, but not exactly. The slight variation in driving techniques, although often the difference between life and death, is not at all related to driving ability, experience, or the lack of it. An informed beginner is a safer driver than an experienced driver. The long-held premise that accidents generally are a result of human weakness is a fallacy; the cause of most accidents is merely a lack of know-how.

Let me show you a common unjustifiable premise attributed to human frailty and endorsed by an overwhelming unanimity of official opinion. As you may know, collisions that occur at uncontrolled intersections, where there are no traffic signal controls or stop signs, account for one of the most frequent types of urban accidents. The offense commonly charged is "the failure to yield the right of way."

This has been universal doctrine for a very long time. Suppose we analyze it: When this kind of collision occurs, we must assume that the driver on the left, finding himself heading for an imminent crash, had an arbitrary choice of stopping or of willfully failing to yield. Is that possible? Can't it simply be that neither driver was able to stop in time and that neither one could have yielded, however desperately he may have wanted and tried to do so? The burned-up rubber skid marks should be convincing enough evidence of that.

PREVENTING UNREGULATED INTERSECTION ACCIDENTS

Intersections in residential areas are mostly from 25 to 30 feet wide. Stopping distance charts show that at 20 mph it takes about 50 feet to bring a car to a stop.

This is a typical traffic incident:

A driver is approaching an intersection at 20 mph and reaches a point 25 feet from the corner. Now, it is going to take 50 feet to stop, and the street is 25 to 30 feet wide, he cannot possibly bring his car to a stop until he practically crosses

the intersection. Another car approaching from the left or right under the same circumstances would also be unable to stop and there would be an inevitable collision.

Similarly, at 10 mph it takes 25 feet to bring a car to a stop. If two cars reach an intersection at the same time, neither one would be able to stop in time.

The question is, how do we prevent these collisions?

Referring again to the stopping distance chart, we find that at 20 mph, one-half of the stopping distance of 50 feet is consumed transferring the foot from the accelerator to the brake pedal, and the other half applying the brakes.

Therefore, all a driver has to do to prevent this kind of accident is to transfer his foot to the brake pedal 50 feet from the corner. Now when he reaches a point 25 feet from the intersection where the other car comes into view, his foot is on the brake and he is one-half stopped. Depressing the brake pedal, he completes the other half of the stopping distance at the corner, yielding the other car to pass in front of him.

Every person who drives a car should know that when approaching an unregulated intersection, about 75 feet from the corner, he should transfer his foot from the accelerator to the brake and keep it there until actually entering the intersection, looking first left then right before crossing.

It should be understood that there is very little loss of time coasting through an intersection with the foot on the brake pedal instead of the accelerator. Usually, the brake pedal is depressed just enough to take up the slack, which further reduces the stopping distance. This practice should be used when approaching an intersection when the signal light is green.

I'd like to offer another glaring example of a dangerous driving procedure which is stubbornly endorsed by many safety authorities and traffic officials.

The following is erroneously considered a safe procedure in entering or crossing an intersection controlled by a stop sign: This common practice is to stop at the cross walk, ease into the intersection, look both ways, and—if no cars are seen—to proceed across the boulevard. As I have indicated, that procedure is the most dangerous way to cross or drive upon a preferential boulevard. As a matter of fact, I can prove it is more dangerous than not stopping. However, be it understood, when I say "not stopping" I do not mean ignoring the stop sign.

STOP STREET ACCIDENTS

Any street whose junction with a preferential boulevard is regulated by a stop sign is considered a stop street. The law requires all traffic approaching the boulevard to come to a full stop. The lawful rate of speed on preferential streets is usually from 30 to 35 mph.

A common traffic situation:

A car approaches a preferential boulevard or stop street. The driver makes a full stop at the crosswalk. He looks both ways and sees no on-coming cars. He steps on the gas, moving into the intersection about 5 to 10 mph. Crossing the curb line about three to five feet into the intersection and looking again, he suddenly sees a car approaching from his left 40 to 50 feet away. Since he has just made his legal stop and is in the act of crossing the through street, his foot is on the accelerator. The through street is 40 feet wide; the car is now from 5 to 17 feet from the center. At 10 mph he needs about 25 feet in which to stop. The car on the boulevard traveling the legal speed of 30 mph cannot be stopped; stopped in less than 100 feet. A collision appears imminent.

SOME FACTS AND FIGURES

The car approaching the boulevard stopped at the crosswalk. At this point he was approximately 30 feet from the center of the boulevard. To shift into first, step on the gas, shift into second, and reach the center of the intersection would take $2\frac{1}{2}$ seconds. The time would be the same with an automatic transmission. The car on the boulevard is traveling at 30 mph—45 feet a second. Forty-five times $2\frac{1}{2}$ is $112\frac{1}{2}$ feet. The car on the boulevard, $112\frac{1}{2}$ feet away, is as close to the center of the intersection as the car stopped at the crosswalk. They both can reach the center of the intersection at the same instant.

Analysis

Making a full stop at the crosswalk at a stop street does not eliminate the possibility of a collision. Although the driver looks both ways, his view can easily be restricted by cars parked at the curb, trees, shrubbery, or a building

located at the edge of the sidewalk. Often, after looking once and seeing no approaching cars, drivers will continue confidently and take only a quick glance as they drive past the parked cars. At this point, even going 5 to 10 mph, the car cannot be stopped before reaching the center of the intersection. The other half of the boulevard may be blocked by traffic. The approaching car on the through street 50 feet away cannot stop within 100 feet. Whether or not he can stop in time is problematical, the fact is too often they cannot.

This is the solution

In order to avoid accidents in this particular situation, the emphasis should not be placed on just making a full stop at the stop street, but on WHERE the stop should take place. It is obvious that the farther from the intersection the driver stops, the shorter becomes his field of vision either left or right. By the same token, the closer he stops to the center of the intersection the further he can see to his left or right.

Isn't it sensible that the car should stop at the safest point? The first lane of a through street is the parking lane. Traffic does not travel in the parking lanes. The next lane immediately adjacent to the parking lane is a driving lane. Obviously, if the driver approaching the through street comes to a full stop in the parking lane with the front bumper a foot or two from the driving lane, he has the best possible view. Then, when the advancing car on the boulevard comes into view, the car would be stopped and remain stopped until traffic cleared. Stopped in the parking lane a driver can see 200 feet either way. Anytime a car is in motion, in this parking lane area, there is the possibility of a collision.

Therefore, when coming to a stop at a boulevard, always stop within the parking lane—not at the crosswalk. The parking lane area can really be considered a Safety Lane.

Of course, when pedestrians are crossing, stop twice—once for the safety of the pedestrians, and again in the parking lane for your own safety. It would be quite unrealistic to expect drivers always to stop twice. Many don't stop once.

Where parking is restricted on certain boulevards, there is a slight variation of the above rule, but the result is the same. It should not be necessary to go into that at this time.

Not a single day passes without people getting killed driving across highway intersections, and the reason for these violent crashes is mostly that, motorists became dangerously conditioned by these unrealistic regulations requiring them to stop too far back from the corner.

In rural areas, trees, fences, vegetation, signs, etc. can easily restrict the view two to three hundred feet. That may be considered a safe distance by some, but often cars traveling at high rates of speed are unable to stop within two to three hundred feet.

When crossing highways, there should be no argument that drivers should get into the habit of driving right up to the road. As a passenger I have had to warn people many times about stopping too far back.

REAR END ACCIDENTS OR COLLISIONS DUE TO FOLLOWING TOO CLOSELY

These accidents take place when one car stops unexpectedly and the car behind is following too closely to stop in time to prevent a collision.

Example

Two cars are traveling 20 mph, one 15 feet behind the other. An incident takes place prompting the driver of the first car to stop without warning.

At the moment when the rear driver sees the car ahead starting to stop, his foot is on the accelerator whereas the front driver's foot is on the brake pedal. This means, the front car is now one-half stopped and will complete its stop in 25 feet, to avoid a collision, the rear driver will require the full 50 feet of stopping distance, 10 feet more than is available.

This kind of accident accounts for a very large percentage of all urban accidents and an even larger percentage of highway accidents.

I don't know how anyone can explain how a driver can keep from becoming momentarily distracted, or avoid acting on sudden impulse, or be more skillful and use better judgment, but I do know that if following too closely is a cause of accidents, not following too closely can be a remedy. The rule given for preventing this accident is to drive one car length behind the car ahead for every 10

mph of speed. But as unimaginative as it is, this must be considered classified information because it is kept pretty much a secret. This is very high frequency accident, and one that can be substantially reduced by extensive mass communication. A good ad firm can think of many ways to effectively communicate this information to the driving public. One practical way would be to advise the driver how far he is when he can see only the bumper of the car ahead, or the rear tires, or the pavement. And how much pavement a driver should be able to see at given speeds to be considered safe. Reducing just this one type of accident would greatly affect our national accident toll.

I'll close by repeating my opening statement: Try to prevent the kinds of accidents that can be avoided and forget the rest. With all the talented people, all the money and resources available, we can achieve a tremendous and dramatic reduction in property damage, personal injury and—most important—in loss of life.

STATEMENT OF JEFFREY O'CONNELL

A few days ago Lyndon Johnson, in complaining at a White House gathering about the auto industry's opposition to federal regulation of the design of the automobile, looked straight at a group of leaders in the auto industry and said, "You are going to have to quench your thirst for a little blood."

And the President was not exaggerating. Even now while asserting before Congress that "they have got the safety message" and, indeed, *calling* for federal regulation of their products, the car makers are *at this very moment* exhibiting a shameless thirst for their customers' blood. Take the attitude of the car maker toward the teenage driver. It has long been a tragic truism that the automobile inflicts its worst damage on the young. Traffic accidents in addition to killing a disproportionate number of the young, are the number one cause of death among youths and children. More young people die from automobile accidents than from any other cause. Forty two percent of all the 13 to 25 year old youths in America who died in a recent 10 year span died as a result of traffic accidents.

As a corollary, the young not only suffer grievous damage from the automobile but inflict it. As long reflected in insurance rates, the young are incomparably our worst drivers. According to the Automotive Safety Foundation—an institution financed and controlled by the car makers—drivers under age 25 and teenage drivers clearly cause a disproportionate share of traffic accidents. Drivers under the age 25 constitute 19 percent of the licensed drivers and cause 30 percent of the accidents. Two of every five teenage drivers are involved in traffic accidents yearly.

Obviously with young people at the height of their physical powers—for example, they have the quickest reactions—the explanation for their dismal driving record rests in large measure on their attitude. Thus we find the Automotive Safety Foundation answering the question "What accounts for [youths'] * * * poor driving record" by listing:

- Aggressive personality traits.
- Unsound and immature judgment.
- Lack of cooperative attitudes.
- Willingness to take undue risks.

To remedy such deficient attitudes (as well as to improve driving skills) the car maker disseminate widely to young people pamphlets exhorting the teenager to cultivate safe, responsible, courteous driving habits—pamphlets entitled "Good Driving Practices: Courtesy * * * Control, Common Sense," (Chrysler), "How to Earn the Key to Dad's Car" (Ford), "RIGHT behind the wheel" (GM). Similarly, the carmakers enthusiastically endorse high school driver education to develop, according to the Automotive Safety Foundation, "the attitudes, skills and understanding required in safe * * * driving." According to the Foundation, "Today's grim traffic accident statistics reflect hit-or-miss methods on preparing youth for good traffic citizenship."

"Hit-or-miss" is right. Listen to the following ads from the car maker, urging youngsters to hit everything—or everyone—in sight. These are glossy, glamorous ads designed to appeal to the young male car enthusiast in magazines such as *Road Track*, *Hot Rod*, *Motor Trend*, *Car and Driver*.

Listen to these advertisements aimed at the young—keeping in mind this is a group whose frightful driving record is caused, according to the car maker, by their "aggressive personality traits and unsound and immature judgment."

Listen to this ad from Ford:

"FOR THE SMOOTHEST BRUTE ON WHEELS, ADD 1 CUBIC INCH TO 427

"Everybody knows our 427-solid lifters, headers, double four-barrels and all. That's a *strong* engine and it comes on like Saturday night in Stanleyville.

"Well, we've got a bigger one here—one cube bigger which works out to be 428 cubic inches or 7 Litres, which is its name. But there's a silk shirt over all these muscles. Hydraulic lifters. Single four-valve. 10.5 compression—So now we've got a new kind of car: a brute—but a very, very smooth brute. A 97-pound girl can herd this 7-Litre and never know it has 345 horses and 462 pounds-feet of torque—unless she gets mad and stamps her foot. *Then* she'll know!"

AMERICA'S TOTAL PERFORMANCE CARS

FORD

This from a manufacturer whose product helps kill 50,000 Americans a year and who blames those deaths on "the nut behind the wheel"! Incidentally, doesn't the reference to "a strong engine coming on like Saturday night in Stanleyville" contain curiously racist overtones from a world-wide manufacturer? Apparently, Ford abandons *all* sense of responsibility in its teen-age car ads.

Or listen to these ads from GM:

"PONTIAC 2+2

* * * Hulking under the 2+2's hood is our whacking great 4 BBL 421. Horsepower—338. Torque—459 lb.-ft. Blam! * * * For stab-and-steer men, there is a new 3-speed automatic you can lock in any gear. Turbo Hydramatic * * *. Just straighten right leg, wind tight, move lever. Repeat. Make small noises in your throat. Atta boy tiger! * * * [the 2+2 is] just a friendly little * * * saber-toothed pussy cat * * *. One of these at fast idle sounds like feeding time at the zoo."

"SON OF GUN—THE SKYLARK GRAN SPORT

"Ever prodded a throttle with 445-ft of torque coiled tightly at the end of it? "Do that with one of these and you can start billing yourself as The Human Cannonball. * * *

"* * * The slightly smaller caliber Skylark GS.

"Something between a regular Skylark and the Loch Ness Monster."

Or listen to this Chrysler Corporation ad [a picture of a car turning a corner on a racing strip]:

"ANIMAL TAMER

"(Bring on the Mustangs, Wildcats, Impalas * * * We'll even squash a few Spyders while we're at it.) Dodge has made it a little harder to survive in the asphalt jungle. They just uncaged the Coronet. A hot new Dodge, at a new lower price * * * the new comer that's a real goer * * *.

"Your Dodge dealer is waiting for you. Build Coronet the way you want it; Street or Strip.

"And then go tame a few tigers."

All of these ads are just examples. One can collect *many* more of the same ilk by leafing through current as well as back issues of any teen-age car magazine.

At this point, it might be instructive to examine briefly the attitude of American Motors to all this:

"The average motorist normally is quite a responsible person, and most young people are naturally skillful drivers. But we know that speed is attractive to youth—as well as to those who have become over-stimulated at a bar.

"For the manufacturers themselves to invest competitive passenger-car racing with acceptance and status—and to promote their victories and the reason for them—would not only tend to authenticate racing on the public thoroughfares—it would *stimulate* it through the glamorous identification of the thrill of power. [Speech by Roy Abernethy, President, American Motors, before a gathering of prominent advertising and sales executives, at the Adercraft Club of Detroit, January 18, 1963.]

"[A picture of speeding cars on a track] * * * [To] * * * glamorize and advertise race track speed and wildly excessive horsepower to sell cars * * * is not in the public interest, and Rambler will have no part in it.

"Reckless glorification of horsepower tempts teenagers to think highspeed driving is 'in'—and safety is 'out'.

"It makes irresponsible drivers even more irresponsible.

"It contributes to the mounting carnage on the highways all across the nation* * *.

"* * * We [at Rambler] spend millions on testing, millions more on safety advances.

"But not one cent to glorify speed.

"We welcome your comments, and invite you to join our crusade for safe motoring. *American Motors, Detroit 32, Michigan.*" [American Motors advertisement, appearing nationally in newspapers, week of June 1, 1964]

But the crusade was short-lived. On September 7, 1964—just three months later—the following story appeared in the New York Times:

"AMERICAN MOTORS SHIFTS EMPHASIS TO POWER AND LUXURY

"RAMBLER TAKES ACTS TO COUNTER DROP IN SHARE OF MARKET

"DETROIT, September 6—An enthusiastic automobile executive paused the other day while praising a car equipped with a new six-cylinder engine. He leaned across his desk and declared: 'That will go from nothing to 60 miles an hour in 13 seconds, and that's better than a lot of V-8's will do.'

"This tribute to the power of a more lively product did not come from a top official of the Ford Motor Company or the Chrysler Corporation, which have been emphasizing racing to help sell cars. It came, instead, from Roy Abernethy, President of the American Motors Corporation, proponent of the compact Rambler.

"Mr. Abernethy's excitement * * * underscores a significant change taking place at American Motors.

"The car-buying public has been shifting its taste toward more racy and expensive cars * * *. This has damaged American Motors and is forcing the company to sharply alter its image and products * * *.

"We want to move over and let people know we have these things," [Mr. Abernethy] said. "If that's what the people want, we'll give it to them."

The result is this ad from a recent copy of the New York Times [a picture of a speeding Rambler on a race track]: "Rambler American shows its new muscle! Outruns Corvair, Dart, Falcon at Daytona. Rambler wins big! Comes in 1.2 in class VI acceleration test—One of 3 events in 1966 Pure Oil performance trials.

"This is the car * * * with the newest, biggest, most powerful standard engine in its class—and it shows—outunning Corvair 500, Dodge Dart, Ford Falcon * * *.

"This is the car * * * that with automatic transmission, got a tremendous 24.483 miles-per-gallon in the Economy Test. (The only car that could do better, by a scant 0.5 mpg, had such small engine that it took nearly 4 seconds longer than the American to accelerate from 25 to 70 mph.)" [Advertisement appearing nationally, in newspapers, week of January 24, 1966]

And yet, after this incredibly irresponsible turnabout—after cravenly succumbing to the practices of his competitors which he had advertised as unconscionable—Abernethy had the temerity to state in January of this year before the Annual Dealer Highway Safety Meeting that the solution to the traffic safety problem lay not in government regulations, but in the leadership—the leadership!—of the industry itself.

Said Abernethy, speaking of the auto industry:

"* * * To achieve [total involvement in the field of automotive safety] * * * we need a stronger exercise of leadership at every level * * *. All of us [in the industry] must continue to try to see and to present the whole [traffic safety] picture * * *. We cannot afford to point the finger of blame at somebody else or wait for somebody else to lead. The place where responsibility lies is easy to find. Look in the mirror." [Speech by Roy Abernethy, Annual Dealer Highway Safety Meeting, January 17, 1966].

One is more than a little surprised that Mr. Abernethy, after this performance, wants to talk about looking in mirrors.

The car makers' viciously irresponsible advertising of their dangerous product illustrates why any regulation of the design of the car cannot depend primarily—or even substantially—on the car makers' own sense of responsibility.

And if the car makers are sincere in their new found interest in car safety, I call on them to stop *right now* this ruthless exploitation of the young. If the car makers are sincere in their new found interest in car safety, I call on them to stop naming and advertising their cars as wild and ferocious creatures—to stop naming and advertising their cars with names like Wildcat, Fury and Marauder (which means literally one who pillages and lays waste the countryside!). And since the car makers have so often demonstrated that their concern for car safety lasts only so long as public pressure is kept on them, I call on the Federal Trade Commission and the Congress to begin as soon as possible to hold hearings on the naming and advertising of cars which deliberately encourages their reckless use—especially by the teenager. The car maker has been gulling and killing the young long enough.

STATEMENT OF ALBERT E. SMYTHE, NORWOOD, PA.

Traffic and highway safety involves a three point program. First and foremost, those whose job it is to try and pinpoint the actual causes of our enormous automotive death toll must face the truth concerning the root of the problem. It has been said before and I can only repeat it again, "The root of our problem is the driver himself." As many times as this has been said, and written, no one has, to my knowledge, arrived at a conclusion as to why this is so. The hard truth is that because of man's own inability to mentally accept the possibility that he can be involved in a fatal collision. No amount of publicity or indoctrination will help him to realize differently.

Since man first stood on his feet and walked upright, he has enjoyed the benefits of a mind which shielded itself against the dangers inherent to his particular era. For example, dinosaurs to the cave man. Death could not conceivably happen to him personally. He would recognize that it could happen to others, but never to the physical body that his mind controlled. It has been this curtain off mind which has enabled man to face up to and conquer the many dangers he has faced during his evolution. It is this curtain against personal physical danger which enables man to fight wars. If this curtain did not exist, the only man who would willingly go into battle and place his physical person in danger would be those with suicidal tendencies.

The density of this curtain and its ability to shield the mind from everyday dangers, particularly from the natural dangers of physical hurt during battle, is the determining factor in whether a man could go into battle and not crack up, or whether he is that which mortal man in the ignorance of his own mental faculties, calls a coward.

Up until the invention and widespread use of the automobile, for private, fast and easy transportation, this curtain has worked for man. Without it, the cave man with a wooden club would never have left his cave to face the dinosaurs. His mind would have rebelled and refused to place his physical person in jeopardy. Now for the first time, this curtain which has guarded man's mind since his inception can prove his undoing.

All the publicity campaigns in the world, will not penetrate this curtain. In those whose minds the curtain does not completely protect. You already have your timid, cautious, 40 mile per hour, safe and sane driver. In the rest, in order for you to raise this curtain, you would have to allow for the mind also realizing the other dangers the body faces day to day. If you could raise this curtain, in every automobile drivers mind, you would end up with a nation of men, who would be mentally incapable of ever soldiering and going into battle.

This is the root of your problem!

Once this conclusion is accepted as fact, the real killer on American highways today stands out like a sore thumb. With each individual drivers mind already refusing to accept the possibility of the body it controls being ripped, torn, broken, and mangled in a collision, we lull it into an even false sense of security and untouch ability, (so we can drive 90 miles per hour when we know damn well it isn't safe,) by guaranteeing our conscience that if we do have an accident, we're insured. The other guy won't loose a cent. All the money in all the insurance companies in the whole world can not pay for one human life! There is your killer. Two thirds human brain and one

third automobile insurance. The ironical truth is, each driver is paying \$200-\$300 a year to relax his brain enough so he can become one of the 50,000 dead in 1966? '67? '68? We are not only killing ourselves off at the rate of 50,000 people a year, we are also paying to do it.

The answer, as stated before lies in a three point program. Before I present this program, let me say this. With God and the Almighty dollar running neck and neck as our main religious beliefs, and God losing ground steadily. With the ever increasing attitude of what's good for me and the hell with the other guy, with human nature being what it is in all men and with automobile insurance, and the welfare of our entire automobile industry both being deeply imbedded in our economic health. This program is doomed before I even set it down on paper. Be that as it may. You now have your killer and forthcoming a program to at least make it as difficult as possible to enable him to maintain his ever increasing rate. Whether or not the people and the government of this nation deplore this senseless slaughter enough to carry it through is another matter. Personally, I doubt it. Here is your program.

I. Auto manufacturers: Complete standardization of head lights, running lights, brake lights, turn signals, within safety standards by all manufacturers. Each new car, sent out with tires and braking systems of first class, top safety award materials. Each car manufactured or allowed to enter the continental United States to be powered by an engine with a maximum speed of 60 M.P.H. Speedometers that run 0 thru 60.

II. Federal government, the following legislation: A. A bill making it illegal to sell any type of automobile insurance which guarantees the repair of any car involved in an accident, either your own or the other mans.

B. A bill making it a Federal offense to drive an automobile which is not insured for a minimum of \$15,000 to \$25,000 dollars life and personal injury insurance, which covers all those riding in either car involved.

C. A bill making it a Federal offense for anyone owning an automobile *not* to pay for any property damage inflicted by his machine, granting the Federal Government the right to levy wages *within reason*, even if it takes \$4.00 a week for the rest of his life. This levy is to be within the car owners earning power and not intended to place hardship upon his family.

D. A bill, governing present automobiles down to 60 M.P.H., mandatory. With any speed above this, when caught by any police officer punishable by immediate revocation of driving privileges for one year for first offense, and life-time for second offense. This bill also setting a national 60 M.P.H. speed limit.

III. Federal Government and National Safety Council: A combined advertising campaign. Once the first two parts have been put into effect, to educate each motorist that when he drives his car, he has between his hands in place of a steering wheel and under his foot, in place of an excelerator, his home, his bank account, his savings, and his salary.

Perhaps we can not pierce the curtain of his mind, but we can certainly make him conscious of what he stands to loose if he does not drive with care, consideration and reason.

STATEMENT OF TOM E. MARTIN, MONTEZUMA, COLO.

Mr. Chairman, ladies and gentlemen of this committee; my name is Tom E. Martin. I live one-mile beyond the ghost town of Montezuma, Colorado. This is 7 miles off U.S. Highway 6 on the Western Slope of 12,000 foot Loveland Pass.

I appear here today as an unpaid lobbyist for over 500,000 members of the great society that will die on our nation's highways in the next ten years, unless this legislative body takes immediate, positive, constructive action.

I have been safety conscious since early childhood when I visited the grave of my uncle Harry Martin, who won the Indianapolis Speedway Race in 1911 riding with Joe Dawson. In 1912, he took second because his car caught fire on the last lap—he was killed on this track in 1913. He was the first man to ride the full 500 miles. He has a beautifully carved marble headstone consisting of a broken steering wheel.

I feel better qualified than any other person in the world to bring to you the truth about criminal conditions that exist in some State Drivers' Licensing Bureaus.

I visited these bureaus with the purpose of positively identifying a driver with the license he carried. My product was a crosseyed camera that took a photograph of the driver with one lense, and his application with the other, superimposing both on the same film frame with built in processing features to safeguard against forgery. (I am no longer associated with this firm or any other firm or product.)

My method was to enter a State Bureau with the purpose of fitting the Photo Identify System into existing drivers' licensing procedures, with the minimum of change. In this regard I became familiar with licensing methods in each state. My next move was to talk to officials of that state, and to organize lobbying assistance from those organizations interested in highway safety and identification. Then I would approach the legislators urging passage of proper legislation.

As I traveled from state to state, I tried to concentrate on what each one was doing, right, wrong, or not at all in the cause of highway safety. I financed myself for all of this research. May I then relate to you a portion of my findings, and make some observations and suggestions to cure the sickness?

My intention here is not to embarrass any state, official, or organization. I only hope that we may show a need and draw up guidelines and directions, so that we may protect the drivers of this nation from themselves.

Murder by data processing

Automated drivers' licensing is a great contributor to the increase in the highway death toll. In states where this system exists the examiner has no idea of what the driver looks like. His ability to drive, his eye sight capacity or defects, the driver's knowledge of the new or existing regulations is all unknown to the examiner. Identification issued is worthless, he might as well be given a federal duck stamp.

In automated states a license renewal is simple, convenient and criminal. The driver in these states merely sends a stub from his expiring license and a fee to the bureau and receives a new license back. I am convinced that there is a wide spread use of illegal licenses in these states. The President of the United States, The Chairman of the Senate Committee on Highway Safety and some of its members are driving on their "quickie" permits. Some of the states issuing this type permit are Connecticut, New Jersey, Texas and Illinois. I noted with interest that in none of these states were the fees less expensive than the non-automated states. If there is a saving it is not passed on to the people.

In Texas I was told by an official that the license was not a privilege to drive but a revenue raising measure.

In New Jersey I was told that it was too much bother and confusion to appear and that the legislative body has just approved an automated permit.

In New York I have a relative who has held a valid driver license for many years without a single violation or accident—she has never driven a car.

In Florida the Highway Patrol handles the drivers file and the county judge issues the license. Permits are issued every two years. Until recently the Chamber of Commerce typed out the license—the judges reap a fantastic financial benefit from this, at a fee of 50¢ per license. This is a factor in making this organization the most powerful political force in Florida or the nation—no self respecting legislator would introduce any legislation without first getting the reaction of the Florida County Judges. No political aspirant would think of announcing his candidacy without the judges reaction. I think for this reason any legislative improvement on a state level is unlikely.

Here also is an example of something that like Topsy, "just grew". Legally any citizen may renew any other citizen's drivers' license. It would be legal for one driver to renew all the licenses in the state.

Since one bureau does the licensing and another the driver control file—there is no control. One official confided that from one year to the next there was no way of telling who was driving the highway in Florida. For this reason I believe they were reluctant to join the National Registry.

In Maryland I was flatly told by the then new Director of Revenue that Maryland had the best license in the United States—a lifetime license.

I know it surprised him when I told him he had the worst drivers' license in the United States—that there were drivers with Maryland licenses who had been dead for 20 years, and that he could not tell me how many drivers there were in Maryland.

I also revealed that I knew he had just come to this position from the Fish Hatcheries, and that the officials in Virginia were predicting that he wouldn't be there long enough to find his desk. I pointed out that Maryland was losing many millions of dollars in revenue every year. If he wanted to accomplish something I would show him how. As a direct result, Maryland now has a periodic renewal, the Commissioner has a permanent position, they have built a new office building between Baltimore and Annapolis and Maryland still has the worst drivers' licensing system in the United States—with the highest fee in the United States.

In Pennsylvania for example, the central office issues a license that can be duplicated in any print shop. I was told by the head of the Highway Patrol that when they had an occasional road block that a large portion of the drivers had not even bothered to get licenses. He was remorseful that the state had no radar equipment. At the same time the Governor of the State was raising hell in national magazines on highway safety and telling all the advancement Pennsylvania had made.

This is the same state which requires game hunters to wear large numerals on the outside of their hunting outfits for identification purposes.

The State of Georgia felt obligated to its veterans and special licenses were issued to them. These are just a sampling—there are many others.

I feel that all of these are honorable men, as Mark Antony was quoted as saying—but all men in these positions of safety responsibilities need education and guidance. Highway safety will only be accomplished by contact with the driver, by periodic re-examination, by better highways and strong enforcement of the law.

The relatives of the dead are not getting any satisfaction on the state level. They have passed the buck to you, you are in the position where you can do many things about this terrible national disgrace.

I wanted to make myself familiar with Federal efforts in this regard. My first call was at the office of the President's Committee on Highway Safety, an obscure three room office, lost in the vast Commerce Department complex.

There were, as I remember, two secretaries and two administrators. Here I was given a list of government and private organizations involved in Highway Safety in Washington. I went to the National Registry. This organization compiles information from different States in regard to Interstate address change and suspensions. I found that not all states cooperated with this bureau by reporting facts. The director expressed a desire that Social Securities number be placed on all drivers permits. This would further identify a driver and prevent the practice of a driver jumping state lines and using a reversed order of his name and obtaining a license. In my case—Martin E. Thomas. This department should be expanded to embrace more information. I would also like to see more status and expansion of the Presidents Committee.

Since I had learned in my travels that some states were desirous of placing blood types on permits, I checked with the American Medical Association here in the District. I had been under the impression that no doctor would use the listed type without checking—so I thought the information useless. However, the A.M.A. was of the opinion that it would speed the tests by allowing a physician to check the listed type first.

There are several insurance organizations who are quite active. One of these is Allstate Insurance Company which sponsors women's club safety meetings all over the United States.

For the most part I found that the most that can be done is to have a chart on the wall showing a projection of highway deaths. This is about as preventative as an estimate of how far 50,000 coffins would reach if we put them end to end.

Here let us attempt to put things in proper focus—the U.S. Government has many men wearing uniforms and badges, the F.B.I., Secret Service Men, Treasury Agents, etc., conversely, there are two wee men without power on the President's Committee to keep the public from killing each other on the nation's highways. I should like to see a National Highway Safety Director with the same status as a Director of the F.B.I.—a tough Ben Casey type who would not bow to purse or politics. I should like to see the Government have its own enforcement officers especially on new interstate routes, patrolled by cars, copters and radar. This would eliminate miles of highway now being patrolled by State Patrolmen and relieve them for other duties. I know of no state that is

not screaming for more patrolmen. They could assist in some experimental safety program.

I feel that traffic safety will suffer by the new anti billboard laws. We will soon have beautiful sleep inducing highways that have lost the little signs that say "Hardly a man is now alive that passed on a curve at 75—Burma Shave." Or the larger one that conveyed the slogan, "that a bouncing ball was followed by a running boy." God only knows how many lives have been saved by such slogans.

I don't think we should leave the federal scene without some observations on the recent hearing conducted by the United States Senate. I contacted the Chairman's Office and was told that the format for the hearings was set. I followed with a great interest via the news media. I can only liken it to the Roman Arena. General Motors was the whipping boy and the wielders of the whip had a field day. To be able to witness the humiliation of one of our large corporations on national television was great sport. If I had not known better I would have similarly attributed all the highways deaths to General Motors. Lazy administrators and the driving public looking for a scapegoat for its sickness found murder by auto manufacturers a convenient panacea for all these ills. I hope that smoke screen is not allowed at these hearings.

The mechanical failure of an automobile is attributed to the nut behind the wheel. As to the private investigation of Ralph Nader, we all know how competitive the auto manufacturing business is. An investigation that would have included the sex habits of Nader's great-grandmother would have been launched by me and I would have defended my right to do so by telling the Committee Chairman to go straight to hell. How does General Motors know that Nader was not hired by Dusenberry or Stutz Auto Companies. I am sure this book and hearing were damaging to General Motors. How were they to know if perhaps Nader had a private axe to grind. Why not check his motives? From the hearing one might get the impression that General Motors Corporation was against sex—there must be statistics somewhere to show that as much motherhood has been fostered in a Chevy as a Ford.

Weren't there some strange bed fellows there at the senate hearings? Can you imagine Jimmy Hoffa in the same room with Bobby Kennedy without a subpoena? Mark these words well—You can expect little help from the A.A.A. or the trucker's union when it comes to any restriction on drivers or federal regulation of drivers. I did not hear a word about redesigning of school buses. This is certainly a field long over due. I think the wisest word of all the hearings came from the lady Senator, who said, "It is all very confusing."

We have begged the manufacturer for a car that will break the sound barrier, topless convertibles and a steering system that madam can move with finger and brakes which will throw her through the windshield, and a streamlined gas eater that would ape the speedway racers. Yet John Q. Driver has never realized that even race cars with the highest paid engineering and best mechanics in the world do fall apart, in many instances on the first lap. Yet these cars are under constant maintenance. The auto has never been built that a hard driver can't make fall apart in less than a year. Some manufacturers give a 50,000 mile warranty—now Congress is expected to give the public a guarantee.

The Mobile Company's graphic pictures on television of the mess a car looks like dropped from a 10 story building fascinated the public. I would demand equal time by dropping a solid steel sherman tank the same distance—you would not drive it away. The military has been buying vehicles built to all their own specifications and I haven't seen a safe one yet.

Congress is being asked to legislate against mechanical failure. Let us say that safety designs by act of congress may come to pass but it will be a false angel of hope. Assuming that the little old lady from Pasadena purchases a new hot rod. She has faith in her Government, it provides her with many services, it is stable, it is well established, it even puts a stamp of approval on the meat that she eats. Surely she can purchase a safe auto because her government guarantees it. She will have confidence in any product with the government stamp of approval. Government sanction could be a two headed snake.

I heard no plea for widespread motor vehicle inspection of the existing vehicles. I believe now that the public apathy has been exploded, auto manufacturers should report to the proper agency of the Federal Government what new safety measures have been taken and evidence of efficiency submitted to this authority.

One immediate result of the Senate Hearing is that at least one auto manufacturer has hired many more inspectors and some auto workers told me that they are being hammered by both the Company and their union "to let nothing get past them." You can't always tell what will benefit highway safety—I feel that the advance of the airline services and reduction of air travel fares have greatly reduced highway fatalities—it is faster, cheaper and safer to fly.

Safety meetings

Every hamlet, town, city, and state has a safety group to discuss our problem. To quote a former Colorado official, "A Safety Meeting is the same people talking to the same people about the same problem and none of them gets the message across to the driving public." My advice to highway safety committees is to have your meetings in the Governors office and don't leave until he agrees to a crack down that will stop highway deaths even if he had to call out the National Guard to patrol the highways.

I recall a conversation with an official here in the District of Columbia who went to a dinner meeting on highway safety where liquor was served. He asked for a show of hands on how many were going to drive home. There were quite a few violators at the meeting. Several summers ago while driving off 12,000 ft. Loveland Pass I stopped to assist some tourists in trouble. A man and his wife were quite inebriated and about to go backwards off a 1,000 ft. precipice. I was able to take over and get them back on to U.S. Highway 6. I drove them to a motel. Their combination of altitude and alcohol put them in such a state that they did not know what state they were in.

They were very grateful to me and asked why I had stopped to assist them. I told them that I noticed their headlights were on in the daytime. The woman replied—"Ah own a radio station in Texas, and that was my idea for traffic safety." (It was not you know who.)

I am certainly not anti-Safety Meetings, but highway safety will only be accomplished by contact with the driver, by periodic re-examination, strong enforcement of the law, and driver adherence to a safe driving code of ethics.

Driver education

Here is a field that should be subject to real scrutiny. The only set of statistics I have seen on the results of Driver Education come from the State of Utah—where examination showed that girls given Driver Education had more violations and more suspensions than those who had never had driver's training. This does not mean I would abandon it, on the contrary, I am in favor of expanding it. I would investigate its methods to make sure that we are not teaching them to kill. We have taught conformist driving methods—not allowing for human error. Surely everyone knows you are supposed to stop at a stop sign, but what do you do when you or the other driver miss the signal? There are evasive actions that can be taken to minimize or avoid this type of collision.

Are these drivers being taught what to do when the following situations occur?

- (a) A driver finds that his brakes have gone out.
- (b) He blows a front or rear tire at high speed.
- (c) His lights go out.
- (d) He starts to slip on a curve.
- (e) He is traveling on a four lane highway in an ice storm and his wipers fail, his windshield freezes over and he can't see to drive or get off the road.
- (f) If you are forced to leave the mountain highway it is better to go off rolling like a cocker spaniel dog or end over end.
- (g) What to do when the throttle sticks?

Here I would ask you to call a conference of racing and stunt drivers and get the answers to these and many similar questions—and seek the advice of men whose instant reactions are necessary for survival. Let them make some suggestions for Driver's Education. Most of the safety features on cars today have been forged in blood on the speedways of this country. The latest—rubber lined gas tanks—came as a result of the horrible fiery crash that killed three drivers at Indianapolis. It is not what a driver knows, but rather what he does not know that is killing him.

Additional suggestions

I would suggest approved standard highway markings—and driver examination. We are no longer a one state family any more. If a driver loses his privileges in any state, he should be required to submit to mental examination, and his ability scrutinized by a trained federal examiner.

Any driver suffering from whip lash injuries should not be permitted to drive without professional medical permission. I find it difficult to believe that a driver is safe with a collar on his neck that restricts movement of the head.

I would strongly urge that any future highway safety measures be funneled through a federal highway commission, first for proper recommendation. For example, one state considered a measure to keep all under 25 out of the drivers seat. Insurance statistics showed this group to be the most accident prone. On international highways rather than speed limit signs being posted, perhaps it should say 'travel 70'—I don't know of any race driver being killed when the caution light was on and drivers were made to maintain their positions.

In my opinion there can be no greater service to highway safety than to outlaw every open intersection in the United States. Somebody stops nobody dies. This would be a great project for the war on poverty. Special steps should be considered to construct turn-out lanes to the entrances of all farms, ranches and businesses. With stand-by areas on the opposite side of the road so the vehicles could wait off the highway before making a left turn.

Red pennant flags should be flown on flexible shafts extended above all highway work vehicles, farm equipment and low slung sports cars—this could be an early warning system for fast moving traffic. Investigation should be made of a new florescent type highway paint—that could be used on backgrounds for the non-electrical parts on lighted signals and for patrol vehicles in white-out areas in the mountains. I refer to the type paint used in the traffic signals in Sanford, Florida.

Flares and emergency signals should now be standard gear for all cars. All flagmen on construction projects operating under travel should be schooled and hold a special license before holding the lives of the public in his hands.

There are many many ways of improving our chances of survival in the motor vehicle age. These are some of them. I should like to see called before this Committee the Traffic Safety genius who as Governor of his State brought about a phenomenal decrease in fatalities. I refer to the Honorable Senator from Connecticut, Abraham Ribicoff. I think you might inquire as to exactly what he did and how he did it.

I am afraid we are going to have to rely on the character of every American, as Thomas Edison said, "What man's mind can conceive—his character must control."

I want to thank the members of this Committee for the opportunity to bring you this report—I see you in the same dilemma as Old Scrooge in Dickens' Christmas Carol. You have seen the ghosts of Christmas past, Christmas present, and have some preview of Christmas future.

Unto your strong hands I commit the fate of over one-half million lives which will be lost on our nation's highways in the next ten years. As their representative here, I hope I have served them well.

TOM E. MARTIN.

STATEMENT OF FRANCIS B. JOHNSON, DEFIANCE, OHIO

I am speaking as a private citizen, who has been deprived of the safe use of the highways long enough. I cannot appear as a witness as I have other commitments on the day assigned me. I am for the proposed legislation, namely The Traffic Safety Act of 1966, H.R. 13228.

There are three points I wish to make in regards to this legislation ;

1. Any legislation which only makes automobiles and highways safer, and does not put the full responsibility on the driver for his thoughtless actions is doomed to ridiculous failure. The real answer lies in the proper perspective between the three main categories,

Safe vehicles, safe highways, and safe drivers. Those who do not want to accept the responsibility along with the privilege must be denied the use of our cities' streets and nation's highways.

2. Federal legislation must be enacted to force local and state officials to vigorously enforce traffic laws, or face Federal prosecution for malfeasance of office.

3. Insurance companies must begin a system to lower the rates for drivers in communities where traffic laws are enforced, and accidents decline. Conversely the rates would go up where the laws were not enforced and accidents go up. You can be sure that the private citizen will back this kind

of action in the event the rate difference is substantial, and pressure will be exerted on local officials to get the rates down.

In the final analysis the change in traffic habits will come by action at the local and state level.

I have driven over 300,000 miles since learning to drive in June, 1942, 60,000 of which have been driven in the last 3 years on turnpikes, expressways, country roads, in Detroit, Chicago, Miami, and various other roads in the United States.

STATEMENT OF DAN JORGENSEN, CRESTVIEW, FLA.

Having driven several hundreds of thousands of miles in all kinds of weather, traffic and road conditions; having met *genus homo Americana* on our highways at all hours of the day and the night and having grown up and lived my life with the automobile, I feel that I am entitled to a say about our highway death toll, its underlying causes and possible remedies for it.

To my mind the biggest factor in our traffic death and accident problem is that almost any Tom, Dick or Harry with a down payment and a few bucks for gasoline may; with little or no instruction and no or little knowledge of the lethal forces in his command, less knowledge of the control of them in emergency; jump into a high-powered machine and pilot that machine, drunk or sober, idiot or able, at high speeds on our highways, gambling the lives of others and millions in property against the possibility that he might reach his destination intact.

The recent revival of interest in highway safety and the findings of authorities have more than ever convinced us that drastic changes must be made. By earnest cooperation and effort Americans could devise ways to at least curb our losses to a point lower than those of our wars. We need to train our drivers in the ability to handle their vehicles under all road conditions and imbue in them a concrete sense of responsibility to others on the roads. We have a need to weed out the irresponsible, the physically and mentally incompetent, the alcoholics, the thrill seekers, the accident prone. Why should we insist on long training for professional drivers and paradoxically entrust our lives and property needlessly to the tyro. While the element of human error is always with us we need to further increase the safety of our cars to protect riders when an accident occurs.

One answer to passenger protection may be roll bars or the equivalent. Hot rodders long ago learned to reinforce body frames with strong, elastic tubular steel which literally enclosed the riders with a safe cocoon of steel hoops. Present day cars are a far cry from the days in the twenties when car manufacturers changed over from the old wooden framing of the horseless carriage days to steel and spent much money bragging on the safety of the then new steel body framing. I drove a taxi in a big city then and the body of that cab was so sturdy that we actually rammed other cabs out of marquee lineups with no appreciable damage beyond a little scratched paint. I defy any cab driver to try that in a late model car. Additionally our seats, seat cushions as well as safety belts need firmer anchoring and our soft springing and soft tires are no longer necessary or compatible with our present glass smooth highways and are a definite hazard on any sort of a fast turn. This is elementary to hot rodders, one of the first things they do is stiffen their springs and blow their tires hard. Not that I suggest that we become a nation of hot rodders but we can take advantage of their experience. We also need high impact fuel tanks which will not spew their dangerous contents over vehicles and occupants when an accident occurs.

We also desperately need a uniform national code of laws and regulations fitted to modern use of the automobile and other vehicles. The present hodge podge of automotive legislation varies from state to state and community to community and is totally obsolete. The legislature or governor of each state could appoint a committee of experienced and knowledgeable men to draw up a new code. These several codes could be solidified into one nationally recognized code by delegates to a national meeting. All previous codes could then be repealed and any changes thereafter could apply over the whole nation.

We need a nationally recognized system of identification for all drivers and a national filing and clearing system to coordinate this information which should be available to all states. The identification set up could be handled along with the issuance of drivers' licenses as a necessary adjunct. Cards of a distinctive color for each class of drivers could be issued bearing a photograph of the holder,

finger prints, medical history, condition of vision and hearing, blood factor, history of previous traffic violations and accidents and criminal history, if any. These cards could be enclosed in such a manner that all information is concealed except for access to proper authority, except possibly the photo, address and blood type. It could be compulsory that these cards be displayed while the vehicle is in operation, preferably in the lower right side of the wind shield. These cards would not be a license to drive but solely as a means of identification by law enforcement officers. Any vehicles traveling on the roads or streets could be immediately impounded if they do not display a proper identification card.

In event the driver of the vehicle is involved in a traffic violation or accident the driver could be required to surrender his identification card to the investigating officer who would in turn issue a temporary card of a different color to be used until his case is adjudicated. At this time the trial judge will pick up the temporary card and return or withhold the original depending on the decision in the case, noting on the card the result of the adjudication. Here, I suggest that small ordinary infractions could require only a deposition of the issuing officer as a time saving feature. Aside from matters involving monetary damages and felonious violations of the highway code it is suggested that a judge be empowered to withhold identification cards for various lengths of time, doubling that time for repeated offences pyramidically up to complete cancellation of the persons right to ride or drive in any vehicle on the highways except a common carrier.

The advantages of the identification system are immediately apparent. It will enable the highway police and local enforcement officers of every state to keep an accurate check on all vehicles and persons using the highways. Properly administered and enforced it would bar the unsafe driver from the highways, especially if accompanied by a licensing system which would require that to obtain a license a driver must know more than how to operate a gas pedal and a steering wheel. Every driver should have competent instruction on what to do in emergencies.

Enforcement could be implemented by volunteer organizations such as the Boy Scouts of America or the National Guard. Their members could be stationed along the highways equipped with walkie talkies to report infractions along with license numbers. If nothing more were done than to mail the driver a polite letter and a warning it could have a good effect. And there would be a good feeling that they had done their part to rid our highways of a terrible scourge.

An additional safety measure would be compulsory inspection of vehicle safety, mainly brakes and lights. The same system of impounding vehicles which do not carry stickers showing inspection clearance could be put into effect. Oil companies and auto agencies would be better equipped to handle inspections and if properly accredited could relieve municipalities and states of this burden.

If our leaders can convince the driving public of the necessity for these measures and implement them they will have done everyone a real and great service.

STATEMENT OF DANIEL P. MOYNIHAN

Mr. Chairman, this is the third occasion on which I have appeared before members of this committee to testify on the subject of traffic safety. On two earlier occasions I had the honor to testify before the Subcommittee on Health and Safety, then under the direction of your distinguished former Colleague, Hon. Kenneth Roberts of Alabama, to whom the nation owes a great debt for having begun the systematic enquiry into this subject almost a decade ago.

It was a quality of those previous hearings that each year a comparatively small group would assemble and make essentially the same points, but no one was listening. That period is past. The message has gotten through. That being the case, I would like to address myself not so much to the subject of the safety of American motor vehicles, as to the larger question of how are we to use this opportunity.

A series of converging events make it likely that the United States is, at long last, going to come to terms with a gigantic domestic problem that has attracted enormous attention but almost no interest: traffic safety. It is not at all clear how much will be made of the present opportunity. But much more is at stake than is generally perceived. To grasp this, it is necessary to have some ideas of the dimensions and the ramifications of the problem.

Automobile injuries and deaths began to cause concern before the First World War. In the 1920's, when the automobile became a standard family possession, it also created what is by now an endemic public health problem. The National Health Survey indicates some 4 or 5 million persons are injured each year, involving perhaps 100,000 permanent disabilities. Another 50,000 injuries are fatal. In Korea the Air Force found that automobile injuries were generally more serious and required longer hospitalization than battle casualties. One can be fairly certain the same is true in Viet Nam.

The economic costs are considerable, of course. A disproportionate number of the persons killed or permanently disabled represent an almost complete loss on a heavy investment; they are persons with twenty years of nurture behind them and presumably forty years of productive work ahead. The cost estimates are surpassingly fuzzy, but something like 2 percent of the Gross National Product seems about right, if property damage accidents are included.

Little attention has been given to the indirect social costs of traffic accidents, although these are probably the more serious ones. American adults probably have more direct relationship to government through the management of the motor vehicle system than in any other way. There are some 90,000,000 persons who are licensed to drive. Nothing like that number pay taxes, vote, engage in "participatory democracy," or know that the mainland of China is controlled by Communists. A driver's license is close to a necessity of life for many, perhaps most Americans, and the power of government to grant or deny it, or to suspend or withdraw it, is, of course, considerable. Oddly enough, it does not seem to have led to a very great deal of corruption—perhaps because it is so near to indispensable. It may be that corruption arises in areas where something more like privileges are dispensed. On the other hand, because the traffic laws are not observed, the system has made lawbreakers of just about everyone, and has resulted in the arrest and trial of vast numbers of persons. I should not be surprised if, as a consequence of the management of the system, the incidence of police arrest in American society is the highest of any in history. I am not clear that it is good for a society for the persons in it to become accustomed to being arrested. (The darkest aspect of this development is that we no longer seem to think much of it. George Orwell, of course, kept insisting that oppression comes on little cat's feet, and that once it has happened it no longer seems like oppression.)

The most important impact of traffic law enforcement has been on the courts and the legal profession. It is probably true that the judicial and legal profession of the United States devotes almost one-half its time to the adjudication and adjustment of automobile matters, and earns perhaps a third of its fees that way. An editorial in the New York Times reports that "automobile negligence suits make up from 50 to 90 percent of the case loads of civil courts throughout the country." This appears to be true in the appellate divisions as well as in the lower tribunals. It inevitably has led to a startling backlog of cases in American courts. In New York, for example, it takes over *four years* to get a jury trial convened. In measure that justice delayed is justice denied, it would seem there are clear implications of such delays for a society that wishes to be a just one. The advantages that the wealthy have over the poor in such a system are obvious. Whether or not this situation will bring about an eventual erosion of respect for the judicial process, is a related question.

Now these are a familiar assortment of sorrows; life is expensive; justice, elusive; death, inevitable. There is little to be said for or against them unless it can be seriously argued that, in this particular case, they are unnecessary—or at least meliorable. Not only can such an argument be made; increasingly, it is not even disputed. There is a considerable body of empirical evidence—of which the different accident experience of different road systems is the most striking—that automobile accidents can be reduced without substantially compromising the essential transportation system by which they are generated.

It should be noted on the other hand that there is not much evidence that the number of accidents can be substantially reduced by alerting the behavior of drivers while maintaining the present, near universal, driver population. It may be this can be done, but it has not been done. This leads to the basic strategy of crash injury protection: it is assumed that a great many automobile accidents will continue to occur. That being the case, probably the most efficient way to minimize the overall cost of accidents is to design the interior of the vehicles so that the *injuries* that follow the *accidents* are relatively mild. An attraction

of this approach is that it could be put into effect by changing the behavior of a tiny population—the forty or fifty executives who run the automobile industry.

It would also seem obvious that the legal problems of adjudicating the consequences of traffic accidents could be considerably reduced. Most accidents are probably not worth adjudicating: a simple claims procedure as proposed by various judges, and most carefully by O'Connell and Keeton, would eliminate a large part of the case load (as would, of course, a reduction in accidents). More significantly, a careful inquiry might well reach the conclusion that in many cases it is simply not possible to establish by testimony and similar evidence just how an accident occurs, much less who is to blame. The system failed, and that is about all that is to be learned with finality. With the best will in the world on the part of persons testifying, it is probable that for many high speed accidents the essential events are beyond the threshold of perception of the persons involved. (Supposing murder trials were conducted on the basis of demanding to know of witnesses which way the bullet was travelling when the victim was hit.)

II

If the reduction of accidents and injuries—and of the social costs they give rise to—is possible, how is it that this has not been done? More to the point, why has it not been seriously attempted?

It is not that no one has noticed the problem. On the contrary, there are few public issues which have been so consistently the subject of comment by government officials, communications media, service organizations, and the like. There is every reason to suppose the public is highly sensitive to the subject, and that it can be a rewarding political issue. (In a recent survey by *The Economist*, British voters were asked to name what they thought was the single most important issue in the then forthcoming British general election, "Without any prompting," more named "road safety" than taxes.) Why then so few results?

I am persuaded there are at least three clusters of reasons that explain this failure.

First, the venality of the automobile industry

After a decade of intermittent involvement with the problem (in 1965, as Acting Secretary to the Governor, I was Chairman of the New York State Traffic Safety Policy Committee; in Washington in the early 1960's, I represented the Department of Labor on the President's Committee for Traffic Safety and the interdepartmental body concerned with this subject) one comes to the conclusion that for brute greed and moral imbecility the American automobile industry has no peer.

The industry is, for its size, incomparably the most profitable enterprise in the world. These profits are drenched in blood. In 1960 Dr. William Haddon, Jr. and I made tentative calculations that something like one third of the automobiles manufactured in Detroit actually end up with blood on them. I understand a Canadian group has raised this estimate to the level of every other car.

To a perhaps surprising degree, the profits of the industry are related to these accidents (although not of course to the injuries). Much attention has been paid to the concept of "planned obsolescence" (which itself may account for a fair number of vehicle failures) but almost no interest has been shown in the role of accident damage in creating a market for the products of the industry. There are anywhere from 15,000,000 to 40,000,000 accidents a year. While in the Department of Labor, I made some rough estimates that as much as 20 percent of the total production of the automobile industry is required to replace or repair damaged vehicles. (This estimate may be high, of course.)

I believe it can no longer be doubted that within the higher executive levels of the industry there has been a conviction that an excessive concern with safety is bad for business. Ford made a serious effort in 1956 to sell a safer car; this was accompanied by a bad sales experience that has apparently frightened off the entire industry ever since. Chrysler, at a time of management troubles, made some important statements on the subject, and has kept a highly competent man on as its safety engineer, but has not gone much beyond that. On balance, the impression anyone following the subject must have is that General Motors, which dominates the industry, has been consistently opposed to any systematic concern with safety design, and has had its way.

This is the hardest possible case to prove, of course, but there is evidence. One of the few glimpses inside the industry came from testimony in the 1959 case of *Comstock v. General Motors Corporation*, heard in the Supreme Court of Michigan. Anyone concerned with the morality of American business organizations would have to be appalled by *Comstock*. The uncontested facts of the case are that the 1953 Buick Roadmaster had a defective power brake system (involving a ring sealer in the hydraulic brake master cylinder which allowed the brake fluid to escape from the cylinder.) Having manufactured this car, and having discovered that the brakes did not always work, the manufacturer's response was as follows, in the words of the Michigan Supreme Court:

"The matter was judged serious enough by General Motors to require the issuance of 2 separate kits for replacement of the defective parts.

"The agencies were instructed to make repairs on the power brake system at General Motors' expense whenever 1953 Buicks came into the shops. These repairs were made without notice to the owners and even if there was no complaints about the brakes. No warning to owners of 1953 buicks equipped with these power brakes was given either by General Motors, or by the agency which sold this Buick as far as this record reveals.

"Wentworth, the Lawless Buick agency service representative, testified on this point:

"A. *Because I was not allowed a campaign to call these people or mail anything to them.*

"The Court: *They asked you to call them.*

"A. *They said to get these cars whenever you could get your hands on them. When a customer didn't come around I couldn't look up the thing. I thought it was Buick's responsibility. Most of the time on things like that owners were sent registered letters. I was not allowed to do that.*

"The Court: *Who said you couldn't send letters?*

"A. *The service department at Buick. It was a hush thing. They didn't want the public to know the brakes were bad and they were very alarmed.*

"Mr. Kraus, the general service manager of Buick, testified somewhat differently:

"Q. *Mr. Kraus, did the Buick Motor Division ever contact the owners of these cars?* A. *No, sir.*

"Q. *Didn't advertise what the conditions were?* A. *No, sir.*

"Q. *I take it nothing was done at all by the Buick Motor Company or Buick Division of General Motors unless and until the parts were asked for and then they were given, if possible?* A. *The parts were ordered by the dealer and shipped to the dealer by us.*

"Q. *That is all the Buick Company did?* A. *Well, other than put out the technical information such as the bulletin you just read there.*

"The Court. *You didn't call them up and say, get all these cars in and have them repaired?* A. *No, sir.*

"Q. *Why not?* A. *Well, in the first place that is the obligation of the dealer, and in the second place we don't know who all the owners are or where they are.*

"Q. *Did they ever do anything to find out?* A. *We have no right to tell the dealer how to run his business. He is an independent business man.*

"Q. *But did you do anything to find out?*

"A. *No."*

* * * * *

Just how general such conduct has been in the industry is an open question: but the attitude underlying it has been general and manifest. When the possibility first began to be raised that the impurities in automotive exhausts might cause cancer as well as smog, the response of the industry was one of utter unconcern and flat refusal to do what would have been easy and cheap to do (install blowby devices as standard equipment) until forced to do so by legislation.

There is a resistance to reasonableness in this field that is at once baffling and revealing. It was soon enough evident that the executives and engineers in the industry simply would not comprehend the idea of designing their machines so that the injuries that result from accidents would be minimized. This at least could be explained: these were one-subject-at-a-time men who would not accept the inevitability of accidents, or in any event were trying to design machines that would not have them as a result of mechanical failures. If the damned fools driving them wished to collide with one another, that was not the

engineer's look out. But recent congressional hearings have produced evidence that the incidence of design failure *known to the industry* is much greater than anyone suspected. Meanwhile evidence of failure in the obsolescent stage is mounting. (Non whites have much higher fatality rates than whites, owing presumably to being forced by economic pressures to drive older and hence more dangerous vehicles.)

But beyond the unwillingness to face up to the persistence of accidents, there is an obtuseness on the overall subject of traffic safety, that is bewildering, coming as it does from men of unquestioned probity and manifest rationality in the management of their affairs in general.

On April 5, 1966, for example, Mr. John Bugas, Vice President of Ford, speaking for the industry before the Senate Commerce Committee, asking that the industry be given a chance to police itself, said "Whatever happened in the past, this industry is now wide-awake." They had, got, he said, the message. Yet 10 days later, on April 15, Mr. Henry Ford 2d made it just as clear that this was not so. In an otherwise candid and positive statement of intention to make cars even safer than they are, Mr. Ford went on to criticize Mr. Ralph Nader, one of the most forceful critics of the industry, in terms that do no one any good: "He can read statistics and he can look up a lot of facts that are in the public domain, but I don't think he knows anything about engineering safety into automobiles," said Mr. Ford, "I think that, if these critics who don't really know anything about safety will get out of our way, we can go ahead with our job—and we have a job to do. We have to make our cars safer." This in itself is an understandable enough attitude for a manufacturer, and would not merit comment save for the remarks that preceded it. Pointing out that "The driver is the most important factor [in safety] because, if you drive safely accidents won't happen." Mr. Ford noted that laws passed by Senator Abraham Ribicoff when he was Governor "cut the deaths on Connecticut roads by about 50 percent" without any changes being made in automobiles.

If in truth there are laws which when enacted cut the number of highway deaths in half, it will surely be seen that this is an immensely important fact. And if the chairman of the Board of Ford Motor Company says it is a fact, we should have every reason to assume it is. What is then to be made of the discovery that it is not a fact? In the four years 1951-1954, the average number of highway deaths in Connecticut was 254 per year. In the four years of Governor Ribicoff's term, that followed, the average was 286. In the years since the average has been 323. In the period since 1955 the number of accidents per year in Connecticut has more than doubled, the *rate* of accidents per hundred million vehicle miles has gone up 43 percent, and the rate of injuries up 29 percent.

It has been these frustrating, stubborn realities among others, that have led Senator Ribicoff, for whom no praise could be too great in this area, to his present line of enquiry.

Mr. Ford's confusion is not an isolated event. It is the pattern of events. Moreover the message the critics of the industry have sought to deliver goes precisely to this point. If the companies will not respond fairly to information that is in the public domain, what can be the grounds for confidence that they are acting responsibly about information that until now has been entirely internal and private.

The practice of tire manufacturers, if not as extensively documented as those of the motor industry, are not more reassuring.

There is, of course, another major "industry" concerned with traffic safety, the insurance industry. With the exception of some mild experimentation carried out by Liberty Mutual and a few other groups, the insurance industry has done nothing about traffic safety of any consequence, so far as I am aware. I do not know why this is so, and have only the vaguest impressions. One impression is that the insurance industry has not wished to get into a public row with the automobile industry: a kind of class solidarity that forbids washing dirty corporate linen in public. A second impression is that the executives of the insurance industry are not innovative men and do not have the initiative to undertake any serious efforts to change a system that is working well enough from their limited vantage point. (This seems true of the industry as a whole. The automobile is a 19th century machine that has not been much changed for at least a generation now. General Motors does not seem to be a place where a genuinely creative engineer would want to spend much time—certainly not

in the age of the Moon Shot. Part of the task of the management of public affairs in the modern world must be to take into account the fact that large segments of life will be in the hands of men of modest endowment.) A third possibility would be that, despite denials, the insurance industry does in fact profit from automobile insurance to an extent that is satisfactory to them. The issue is not clear, nor have the companies sought to make it so.

As with the harassment of the driver in the first era of traffic safety, it seems we are now entering a period of indicting the businessmen involved. The need to impose guilt in this field is obviously deep seated, and we may very well be over correcting. The more important question is why have the very large number of persons in business, industry, and the law who have made large profits out of automobiles been impervious to the pleas to be rational about automobile safety. Has it got to do with the nature of corporate organization, or is it simply a matter that our society is easily corrupted in areas where individuals are asked to assume a personal relation to a collective responsibility, a matter Reinhold Niebuhr has insisted we attend to. Or alternatively, is this simply more evidence of the trivialization of American business: the fact that the central concerns of American society are no longer in the hands of free enterprise, and that free enterprise is no longer in the hands of men who expect to lead society.

Second, the psychological role of the automobile

It is surely clear that the largest reason we have not done anything to tame the automobile is that we have not much wanted to. That the automobile has a powerful symbolic, emotional role in American life is a proposition few would doubt. It is a central symbol of potency and power: the equivalent of the sword, or the horse, the spear of earlier ages. It is both a symbol of aggression, and a vehicle thereof. It is a sanctioned form of violence. In American society one can injure and kill another person with an automobile at virtually no risk of physical reprisal. It is also a prime agent of risk-taking in a society that still values risk-taking, but does not provide many outlets.

Anatol Rapoport has suggested that the most careful approach to accident prevention may in the end lead us nowhere if it turns out that "accidents are manifestations, * * * of global cultural factors—that is, of social analogues of destructive drives.

"For example, if we should find that in spite of clear determination of the marginal effectiveness of certain measures and the actual implementation of these measures with the resulting reduction of accident mortality and morbidity in one area, the *over-all* accident incidence of morbidity or mortality remains unaffected—i.e. if stopping up one would we only help to open another, as sometimes happens in superficial cures of conversion hysterics—then we will know that something more basic is wrong with us.

Whatever the truth of this kind of speculation, at very least it can be said that the attitude of the public is ambivalent on the question of traffic safety. Too much attention to safety must necessarily call attention to the dangers of driving, which is not agreeable. At the same time, the dangers of driving are agreeable, and are sought. By the almost total emphasis on the responsibility of drivers to drive safely, it becomes possible for the individual driver to assume he is safe when he wishes to be, and to have the satisfaction of taking risks when he desires that experience. In this context, the otherwise absurd business of counting the death toll over the holiday weekends assumes a certain cultural consistency: it is rather like keeping score on Russian roulette—those who have successfully avoided disaster are pleased to be reminded of it, those who have not are beyond all reminding.

Third, the failure of government

The power of the automobile industry and the ambivalence of the public have combined to prevent effective governmental action. We have opened for an arrangement which is, I suspect, not unusual in such circumstances: working at the problem in ways fairly certain not to succeed. One of the most effective ways in which a government can not do something is to assign the task to the kinds of people who never get anything done.

Since the 1950's there has existed in Washington an organization known as the President's Committee for Traffic Safety, which uses the Presidential seal with abandon. I served as a departmental representative on the body for a year before learning that the executive director was neither chosen nor paid by the

Federal government, but rather by the industry! This man presided over the expenditure of public funds allocated to the Department of Commerce, and generally disported himself as the head traffic safety man in government, although he was in fact a paid agent of the interests he ought at least to have been keeping an eye on. In 1963 I attended a meeting in the White House called by the Secretary to the Cabinet to consider whether the integrity of the Presidential seal was not being abused: it was, and it was so agreed; but what to do about it remained a puzzle.

Similarly, the public will have largely been paralyzed by the seeming incompatibility of safe driving and mass driving. In the course of the past half century we have designed our cities and generally arranged our lives so as to make the use of the automobile indispensable to most persons. This makes it politically impossible to withdraw the right to drive from anything but a small fraction of adults, and then for only short periods. Hence any strategy based upon punishment of the driver for inadequate performance must tend to fail. Even drinking drivers, who are unquestionable dangerous persons who by and large must be said to be responsible for their dangerous condition, will nonetheless by and large continue to drive: the social life of the American middle class now primarily takes the form of getting into an automobile, and driving to a place where alcohol is consumed—a friend's home, a tavern, or whatever. This is too deep a social pattern to be broken. Hence, at very least, massive ambiguity.

There is, however, another source of the failure of government: it is the striking absence of any of those conditions of self-generating reform which would enable government to take initiatives on its own—such conditions as money to carry out programs, social statistics and related data on which to base programs, and professional persons to devise them. To a surprising degree, none of these exist in the world of traffic safety.

The amount of money allocated to research in traffic safety has been miniscule. (The one exception—a major one—to this rule concerns highway construction. The nation has constructed a fabulously elaborate highway system designed with steadily improving safety features. In this instance, however, the interests of the industry and the public were harmonious with those of safety.) The automobile companies spend money designing their products so that they operate properly in traditional terms; but so far as is known, they do almost no research in crash injury prevention, nor do they seem to have done any work in the larger area of developing scientific data about the man-machine relationship in the highway complex. Recently a number of universities have begun to study the problem, but in general it is fair to estimate that at no one time over the past half century have there been as many as a dozen senior scientists working in this field.

It is not to be supposed that there has been a deliberate strategy on the part of the automobile industry behind all this, but the outcome could not have been more effective if there were. Because there has been so little money devoted to safety research, there are almost no facts. There being no facts, there is very little in the way of argument. Amateur efforts to produce "crash proof" cars have by and large been more ludicrous than not.

Directly related to the absence of facts about safety design is the absence of facts about the whole subject. This is central. Despite the inundations of putative data about death rates and such like, there are in fact no standard national statistics about traffic safety. The United States government does not collect them.

The only moderately reliable statistic that exists is the number of persons killed. We have this information in consequence of the established practice of coroners of reporting the probable cause of death of bodies found on public highways. Combining death and taxes, the death-rate is obtained by a simple formula that derives total miles driven from gasoline taxes paid, and then divides miles by the number of cadavers. The results of this not very complex calculation is the death rate, a dependable but meaningless number, in the sense that it provides no guide to action of any sort—and, more seriously, is probably misleading. (One would think the number of persons who actually die in motor vehicle accidents responds more to advances in medical practice than anything else.)

It is hardly a complicated matter to conceive what basic national data ought to be collected: rates for deaths, injuries, and accidents; geographical and temporal distribution of such; types of vehicles involved; types of driver failure; types of vehicle failure; types of drivers involved; types of roadway and environmental failures. That would be a beginning. Most of the data could be gathered by standard sampling techniques.

To repeat: *none* of this data now exists, save the death rate. (A few states also gather injury and accident rates.) Thus, so far as is known, the automobile manufacturers do not keep any systematic records of the injuries that occur to automobile occupants when they are thrown against the vehicle's interior in the course of the accident. There are, of course, millions of such events each year, and it may be said that it would be a rare layman whose self composure would survive fifteen minutes of color photographs of the results.

In 1963, testifying before the Subcommittee on Public Health and Safety of the House Committee on Interstate and Foreign Commerce, I dwelt at some length on this subject. In the course of my remarks I made the following statement:

"In an effort to keep with the problem [of traffic safety] for little more than a generation agencies of local, State, and Federal Governments have been compiling statistics about accidents, injuries, and deaths with a diligence and industry that seems to grow as the years go by.

"But that has been an almost wholly uncritical effort. As a result, it has been almost wholly useless. It is my impression, and it is the firm opinion of research workers for whom I have the greatest regard, that with perhaps one or two exceptions all the vast accumulation of data about automobile accidents over the past half century has contributed almost nothing to our understanding of the cause and prevention of accidents."

The hearing room in which I made this statement was filled with persons representing the major institutions concerned with traffic safety. I appeared, not as an interested amateur, but as a member of the subcommittee supporting a bill to establish a National Accident Prevention Center which had been introduced by the chairman of the subcommittee. This was a serious level of government. Thus the reaction to the statement is a good illustration of the atmosphere that has pervaded this subject. There was no reaction. So far as, I am aware, the statement never appeared in any of the myriad traffic safety publications. No one commented on it. No one attempted to refute it. No one attempted to do anything about it.

What is true of accident statistics is similarly true of accident investigations: there are none. Save for an aborted experiment at the Harvard Medical School, there has been no effort over the past half century to unravel the etiology of actual automobile accidents in the way that is routine for airplane accidents. The concept of "grounding" a particular model of vehicle that appears to have safety problems does not exist with respect to automobiles.

A final aspect of the failure of government, and the crucial one, has come from the fact that, despite its long history, the problem of traffic safety has never yet associated itself with a professional group that would apply to it standards of evidence, evaluation and self-criticism that the solution of problems of this kind require.

Government regulation of the automobile began as a form of tax collection, upon which a layer of law enforcement was superimposed. In time the automobile helped create a new institution of law enforcement: the State Police. Probably because they are characteristically not corrupt, very little attention has been paid to them. However, they have been the dominant institution in traffic law enforcement (and, by a feed-back process, probably to traffic law enactment as well) and little notice has been given of what a very poor job they have made of it, despite their high standards of personal conduct.

The entire pattern of State Police management of the automobile complex is derived directly from the model of the prevention, detection, and punishment of—crime. From the cowboy hats, to the six gun, to the chase scene, the entire phenomenon is a paradigm of the imposition of law on an unruly and rebellious population. This involves intense concentration on the guilt of individuals, as measured by conformance to statutes, and of the efficacy of punishment, either threatened or carried out, as a means of social regulation. There is not much evidence that this works. More to the point, the police have almost no tradition of controlled enquiry that would find out. Thus, in 1955 the Connecticut State Police began a crack-down on speeders that soon brought nationwide attention. In a curious way the efficacy of such an effort is somehow presumed. Yet by any measurable standards the Connecticut program has been a distinct failure. Yet it is clear that the Connecticut State Police do not, in any meaningful sense know this, and do not intend to find it out. Their response to the gentlest criticism is simply wholesome Hibernian apoplexy. (It happens

there is a Bureau of Public Roads study which shows the rate of accidents decreases as speed increases between 35 and about 68 miles per hour. Most probably this is because both speed and accidents are functions of density. But it could be hoped that even the most dense Police Commissioner might wonder if there were not some relation between this study and results that seem to bear it out, even if on further reflection they might not.)

Similarly, there is no evidence that drivers who are arrested for speeding, or similar offenses, are in fact any different from other drivers, or that they act differently thereafter. Since most drivers, according to Bureau of Public Roads studies, exceed posted speed limits much of the time, it is likely that to be arrested for speeding is in the nature of a random event. Again it must be emphasized that such drivers may in fact be different—and worse, or whatever—but the management of traffic safety has largely been in the hands of institutions and groups that do not routinely ask such questions, much less tease out the answers.

The highway engineers, whose research I have cited, are the major and the most revealing exception. They are a profession: they have standards; they pursue them. When a bridge falls down, they try to find out why. When a new road is to be designed, they try to calculate how many cars will be using it and at what speeds, and design accordingly. By and large they have been predictably, sometimes brilliantly successful.

III

By the mid-1950's it was becoming evident that this overall situation could not persist. A matter of considerable public interest was in the hands of incompetents or worse. Some protest was inevitable, and it arose, in a natural course of events among a small group of professional persons—lawyers, doctors, engineers, and public officials. Articles began to appear. Intellectuals were doing their work.

Up to this point the automobile industry had options. There were two courses open. The industry could recognize that the automobile system was working badly from the point of view of safety and could have sought to organize a mixed public and private effort to introduce rational and effective measures, including much greater attention to automobile design, but by no means limited to that. This would have involved considerable shaking up of the corporate staffs, the disestablishment of flunky organizations such as the National Safety Council, and the creation of a federal automobile agency modelled on the FAA, which has presided over a highly creative relationship between the Federal government and the aviation industry. Alternately, they could go the route of the railroads in the 19th Century which also sought to brazen out a safety problem, and ended up with a particularly dreary form of Federal statutory regulation. There was no third way.

The sequence of events is important. The medical doctors were the first on the scene. The enormous medical problem created by accident trauma led in a quite natural way to the question of whether these could not somehow be reduced. The American Medical Association and the American College of Surgeons set up committees on the subject. By this point, techniques of crash-injury protection (padded dash boards, seat belts, etc), had become quite sophisticated in aviation. The orderly instinct, of the doctors was to transfer them to automobile design. In the 1950's the Public Health Service began making small grants with these possibilities in mind. Inevitably there arose a body of opinion, to which some information was attached, to the effect that the automobiles were not safe as they might be. *This was the crucial moment for the industry; they had joined in this enquiry with a modicum of zeal, they would be a free enterprise to this day. Instead, they chose to resist.*

Students of American business ought really to try to learn what decision-making processes went on at this point. The largest and most profitable industry in the world faced the relatively simple problem of responding to criticism couched in terms of the public interest; and it could not do so. The industry gave almost no sign that it was aware of criticism; it was not so much a matter of responding badly, as not responding at all. Presumably this has mostly to do with the nature of the organizations involved, and of the men who were running them. The physical isolation of Detroit is probably another significant factor. It is also true that the business schools and their various journals, which might have given some guidance, gave none (as far as I am aware). Some of these journals are notable for their interest in the Christian Responsibilities of the

American Business Executive, but somehow the question of the responsibilities of the nation's largest industry for the safety of its products never came to mind. Nor, when others drew attention to the subject, did the business schools and journals comment.

In 1961, in a paper given at one of the very few meetings at which the manufacturers and their critics came together, I wrote: "It would not appear that the industry is particularly conscious of the fact, but the belief is well established among intellectually influential circles in the United States that the automotive manufacturers are essentially indifferent, and sometimes even opposed, to traffic safety measures. This is a scandalous position, but it is nonetheless held, and before long it will begin to damage the manufacturers more than they may imagine." There was no response to this conciliatory gesture, any more than to the defiant ones. The industry became more and more a caricature of an over-muscled, under-brained organism heading for disaster.

Disaster came from an unlooked for source: the legal profession. Not from the Bar Association, or the Wall Street firms, or the great law schools, which are said to maintain a watching brief of sorts on such matters, but rather from the *declassé* claimants' attorneys, organized as the American Trial Lawyers Association. Out of a combination of self interest and genuine, hot indignation at the indifference of the manufacturers, this professional association decided the time had come to stop "Murder by Motor" by the direct and lethal process of suing the manufacturers in whose automobiles their clients are killed and injured in such wholesale numbers.

This process has begun, aided by judicial rulings concerning the nature of the automobile manufacturers warranty. Just as importantly, the reactions of the industry to criticism have steadily eroded the presumptions of good faith and diligence on its part: juries are more and more disposed to find the manufacturers guilty. A certain political edge has also appeared. The ATA is known as the "Democratic Bar Association:" its members are instinctual Democrats, much as the ABA members are Republicans. At recent meetings of the Trial Lawyers, elected and appointed officials have competed with one another in denouncing Detroit.

It may also be noted that the failure of the executive branch of the government has given an unusual opening to legislators, which by and large they have exploited. At the Federal level, for example, it has been men such as former Congressman Kenneth Roberts and Senator Abraham Ribicoff who have prodded the government into action. Somehow there were legislators who retained their freedom of action when all else was paralysis.

The industry has now announced that it will not only accept, but actually requests government regulation. This is a normal, predictable outcome. *For its own protection the industry has to get itself regulated by the Federal government.* What only a decade ago was unthinkable, has now become all but inevitable. The companies must get their products formally certified as safe in order to protect themselves from massive litigation. If everything continues to form, the next step will be for the industry to seek to dominate the government agency charged with regulating it, and so we begin another chapter of exposure leading to legislation imposing regulation that ends up more like collusion than anything else.

This process has, of course, begun. The Federal government now specifies safety features that must be incorporated in vehicles it purchases. The Administration proposes to extend this technique to all vehicles sold in interstate commerce. Federal tire safety specifications are on their way. State regulations of this or that feature of vehicle design are starting up again (there was an earlier period when such items as windshield wipers were ordained) and may be expected to multiply. A federal law controlling automobile exhausts was signed in October, 1965, and Federal standards will take effect in the fall of 1967.

Because of the failure of leadership in the automobile industry, the issue is coming more and more to be defined as one of regulating the conduct of that one industry. But this would deal at best with only part of the problem. From the outset, the principle question of traffic safety has been: *what kind of problem is it?* It is not fundamentally a problem of law breaking or of profit making, although it involves both those things. The closest one can come to an adequate conception is reflected in the statement of John F. Kennedy during the presidential campaign of 1960: "Traffic accidents constitute one of the greatest, perhaps the greatest, of the nation's public health problems." I wrote the statement; I rather doubt the President ever saw it; certainly nothing much was

done about it in his administration. But the idea has gained increasing acceptance. Senator Robert F. Kennedy, for one, clearly grasps the concept and cites his brother's statement.

The point is that traffic accidents are part of the general phenomenon of accidents, which have become the largest single cause of death between ages one and thirty five for most of the industrial nations of the world. They are a particular aspect of our culture. Moreover, the social response to them has been characterized by a peculiar cultural lag. Just as classical forms of disease were in general treated by magic up until perhaps two centuries ago, accidents have until this moment been thought of as somehow "wild" occurrences which do not conform to the sequential chain of causal events that define the way things in general occur.

This happens not to be so. In a series of *aperçus* that began hardly two decades ago, a tiny number of American and British researchers, primarily medical men, have unravelled the etiology of the accident to show that it is, in fact, fundamentally similar to disease—"to the initiation of infectious and other insults to the body, which have long been the concern of preventative medicine." This began with the perception that accidents do in fact fit the classic public health pattern of host-agent-environment. Perhaps the most important refinement came with the conception that the agent—e.g., the bacillus—was not all the various instruments by which one can get knocked on the head, but rather the abnormal energy exchange produced thereby. (In an instance of scientific serendipity, this occurred almost simultaneously to two men: William Haddon, Jr., and James J. Gibson working unawares within miles of one another in upstate New York.) As the forms of energy exchange can for practical purposes be reduced to five categories: mechanical, thermal, electrical, ionizing, and chemical, the conception of accidents as disease suddenly emerges in a manageable form. Significantly, it was in puzzling over traffic safety that much of this theory was formulated.

The issue, then, is whether the national committee to the problem of traffic safety will occur at this level of understanding, or whether it will proceed in the honorable but outdated tradition of muckraking, exposure, legislation, and regulation by bureaucracy. Traffic safety is a problem for scientists, including social scientists. The object should be not merely to produce adequately designed vehicles, but to produce a traffic system that is as efficient as can be attained given competing values, and which as much as possible will put an end to the present idiocies of armed police arresting and often imprisoning hordes of citizens who are then hauled before courts incompetent to judge a problem that in any event is almost impossible to define in legal terms. Federal concern with automobile transportation, properly conceived, could in the end produce less bureaucracy, less harassment, less regulation, less intimidation, insult and coercion. That should be the national object, rather than simply the punishment of motor magnates. The Highway Safety Act of 1966, which President Johnson has sent to Congress, having announced it in his State of the Union Message, has this potential, but not as it is now drawn, nor as it is likely to be administered.

The nation's largest industry is about to come under Federal regulation. The reaction of the automobile industry has been to try to discredit the character of one of its most responsible critics. The nation's largest, or near to largest, public health problem is about to receive massive research support. The reaction of the Bureau of the Budget (or whoever made the decision) is to give the management of the problem to the Commerce Department, which presided over the development of the present crisis. The professors of business administration are silent. The regulatory economists are elsewhere engaged. The press is mostly interested in the humbling of General Motors.

Somewhere in all this there must be persons who will try to sort out the public interest. The outcome will test the vitality of the American system. In the meantime, the failure of the business and government bureaucracies is a fact to be noted with little pleasure.

SUPPLEMENTAL STATEMENT BY DANIEL P. MOYNIHAN

At the outset of these hearings a week ago a representative of the automobile industry came forth and, to the surprise of no one who has followed this subject, offered not only to accept but in fact requested legislation "with the ultimate authority and duty residing in the Federal government to set vehicle safety performance standards."

This request was predictable and inevitable: one out of every three automobiles manufactured in Detroit ends up with blood on it. The victims of those

accidents have begun to sue to the corporations who manufacture those vehicles. The companies therefore, for their own protection, must get their products certified as safe by the Federal government. I call your attention to the word "duty" in Mr. Bugas' statement.

In any normal situation the Congress would have every reason to accept the good faith and plain dealing of the industry representatives. I submit however, that this is not a normal situation. I have for ten years—from the time Congressman Roberts began hearings—been involved in this subject, and if that experience has any value I offer you my judgment that the industry cannot be depended upon.

Senator Ribicoff for one has noted that the industry's proposal would require the Federal government to collaborate in intricate detail with the Vehicle Equipment Safety Commission that has been established by the State governments. I offer you the testimony of Mr. Jeffery O'Connell and Mr. Arthur Myers in their book "Safety Last" that this commission is impotent, incompetent, and utterly dominated by the industry.

Recently Mr. Lynn Townsend, President of the Chrysler Corporation explained this proposal. The companies, he declared, would "like to see (standards) set by the people who have been involved for many years with the industry."

I submit that this is precisely what must not happen. If it is allowed to happen we will have lost this desperately important opportunity.

The landscape of American government is littered with the bones of agencies set up to curb the voracious appetite of private interests, only to be devoured by them.

The only way we can escape this dreary and even squalid outcome will be to establish an entirely new organization, headed by and staffed by scientists, medical doctors and engineers who will hold themselves responsible to their own standards of professional integrity as well as to the public trust imposed on them. That there are such men, none can doubt.

I would like finally to state my belief that this would best be accomplished by the establishment of a National Traffic Safety Agency as proposed by Congressman Mackay, and some 45 members of Congress.

RESOLUTION ADOPTED AT 33D ANNUAL CONVENTION COLORADO AUTOMOBILE
DEALERS ASSOCIATION, MAY 2, 1966

Whereas motor vehicle design and equipment are an important part of the approach to traffic accident prevention, the preservation of lives and property, and

Whereas private motor vehicle travel has reached new high levels and is steadily increasing; and

Whereas sound solutions to the development of motor vehicle safety standards depends on government and industry complementing each other,

Whereas in this mutual effort there should be full cognizance of existing standards developed by recognized technical societies and professional groups: Now therefore, be it

Resolved, That the federal government, state governments through the agency of the Vehicle Equipment Safety Commission and the automobile manufacturers should coordinate their efforts to develop acceptable vehicle safety standards.

Attest:

CLIVE L. BRADFORD,
Executive Vice President.

[Telegram]

LAS VEGAS, NEV., April 28, 1966.

HON. HARLEY O. STAGGERS,
House of Representatives, Washington, D.C.:

The following resolution was adopted today by the Western Governors' Conference in Las Vegas, Nevada:

"HIGHWAY SAFETY"

"Whereas the deaths, crippling injuries and economic waste growing out of Motor Vehicle Accidents have been rapidly increasing during recent year and

the mounting total of registered vehicles, licensed operators, and vehicle miles driven further emphasize the gravity of this situation; and

"Whereas traffic accident prevention requires a partnership of public officials—city, county, State and Federal—with the assistance of national professional organizations and associations knowledgeable in this field to solve this most complex problem of traffic accidents; and

"Whereas the Western Governors' Conference is cognizant of the Baldwin amendment previously enacted by Congress as well as legislation presently pending before the Congress that will further encourage and assist the States in the development of highway safety programs; Now, therefore, be it

Resolved, That the Western Governors' Conference, in addition to commending the Western Interstate Committee on Highway Policy Problems for its recent highway policy statement suggest to the Secretary of Commerce that he give full consideration to that statement in the development of standards on the subjects contained therein; and that each member State of the Western Governors' Conference proceed forthwith to implement the recommendation contained in the statement, that each State develop a comprehensive program; and be it further

Resolved, that the Federal and State Governments through the agency of the Vehicle Equipment Safety Commission and the automobile manufacturers should coordinate their efforts to provide an acceptable set of vehicle safety standards.

Gov. CLIFFORD P. HANSEN, Wyoming,

Chairman, Committee on Transportation and Public Safety, Western Governors' Conference.

[Telegram]

TROY, MICH.,
April 25, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.:

As a major producer of seat belts of the lift-up type, I deplore a statement made by Mr. Nader today. Pushbutton-type belts have been thoroughly tested by ourselves and the automotive manufacturers. They meet S.A.E. standards and standards of the States which require certification. Mr. Nader's irresponsible statement is a reflection on the integrity of reputable seat belt manufacturers and I cannot allow it to go unchallenged.

JIM ROBBINS Co.,
JIM ROBBINS.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 16, 1966.

HON. HARLEY O. STAGGERS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Rayburn Building, Washington, D.C.*

DEAR COLLEAGUE: The following is a paragraph from a letter received in this office from a teacher in the Rothsay High School, Rothsay, Minnesota, which may be of interest to your Committee:

"Tonight as I was correcting research papers, I ran across a suggestion by one of my Sophomores which, if it is original with him, might have merit as far as an amendment to an auto safety bill if it is enacted. The student, Steven Aksamit, suggested in his paper on conserving the natural beauty of America that litter bags or a similar device be required as standard equipment in new cars. Since I feel very concerned with trash along the roadside, I felt that such a requirement could potentially reduce this blight on our highways * * *."

With kindest personal regards,
Sincerely,

ODIN LANGEN, *Member of Congress.*

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, March 29, 1966.

HON. LYNDON B. JOHNSON,
*President, United States of America,
The White House,
Washington, D.C.*

DEAR MR. PRESIDENT: Your letter of March 24, 1966, concerning traffic safety is certainly timely. We in Alaska are also experiencing the vicious spiral you refer to concerning increasing accidents and highway fatalities.

I heartily welcome the Traffic Safety Act of 1966. As you point out, it does energize our Federal-State partnership.

As per your request, I do have several suggestions which may strengthen the Act, and may help us cut down on the highway carnage. First, any program of traffic safety must take into account the two basic factors: the man and the machine.

In Alaska we see the man and the machine as part of one over-all problem. I strongly urge an integrated approach to our traffic safety problems. This would include programs of: driver training, public education; a meaningful driver's licensing program; adequate traffic patrolling; well trained and conducted traffic courts; a long-range traffic safety legislative program, which the Traffic Safety Act of 1966 goes far to realize.

In addition to the "human" and educational factors above, it is imperative that we recognize that the human factor will always come into play and that there will always come tragically, the accidents. Thus, it is imperative that an integrated traffic safety program include: adequate highway engineering and traffic control efforts; periodic vehicle safety inspections; adequate traffic patrols; adequate accident investigation; design of the automobile to protect its occupants.

Let me particularly emphasize my concern with the safety of automobiles themselves. If we have a fallible human being driving the car, then we must make every effort to make the car as infallible as possible so as to protect him from himself. A serious effort at designing cars for occupant safety would necessarily have to come from the Federal level. I recognize the difficulties of such a program, and the costs of it. But the time is growing short, as you have so eloquently indicated. We need all aspects of a traffic safety program.

In your splendid endeavour you have my full support and cooperation.

Sincerely,

WILLIAM A. EGAN, *Governor.*

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, March 29, 1966.

HON. LYNDON B. JOHNSON,
*The White House,
Washington, D.C.*

DEAR MR. PRESIDENT: This acknowledges your communication of March 24th about the terrific problem of damage and fatalities from traffic accidents.

You may be assured that this administration and the State of Arkansas will cooperate with you in every manner possible to help to curb and reduce the accidents which cause the terrible loss in life and property damage.

Most sincerely,

ORVAL E. FAUBUS, *Governor.*

THE GOVERNOR OF ARIZONA,
Phoenix, Ariz., March 30, 1966.

THE PRESIDENT,
*The White House,
Washington, D.C.*

DEAR MR. PRESIDENT: Thank you for your letter of March 24. I want you to know that I share your deep concern over the needless tragedy of death and injury on our highways.

I was so moved by your letter that I am planning to read it as a part of my speech to the Western States Military-Civilian Traffic Safety Conference to be held here next month.

I am now attempting to develop an effective safety program for this state and to this end I am watching all federal legislation in this direction with great interest.

Please be assured that Arizona stands ready to participate in any program that can effectively reduce accidents and at the same time preserve the rights of our people.

Sincerely,

SAM GODDARD, *Governor.*

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, April 5, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Governor of a State where highway safety has been a matter of particularly intense concern for more than ten years, resulting in an annual fatality rate that is either the lowest or next to lowest among all the states each year, I am highly pleased that your administration is moving to involve the federal government more deeply in this all-important problem.

An all-out federal attack on highway accidents, provided it does not remove from the states any of their authority in this field or encourage states to abandon their own responsibility, certainly must result in a significant reduction in the terrible annual toll.

I believe that the federal government can make an especially valuable contribution in the field of research into the causes of accidents.

This comment is prompted by the fact that here in Connecticut, and I assume this experience is duplicated in other states throughout the country, we are much concerned by the number of fatal accidents in the one-car, run-off-the-road category.

Since many of these accidents leave no survivors, an investigation into their cause is most difficult.

The Connecticut State Police, during a six months period some years ago, undertook in-depth investigations of all such accidents, tracing, insofar as possible, the movements of the victims during the hours preceding the accident, interviewing relatives and business associates of the victims, etc.

In many cases, liquor or speed, or both, seemed to be the basic cause, but we still do not feel that we have a fully satisfactory explanation as to why so many accidents of this type occur.

The staggering annual loss from accidents makes it obvious both that something must be done and that not enough is being done now, and I am deeply gratified by the concern which your administration is showing.

Sincerely,

JOHN DEMPSEY, *Governor.*

STATE OF INDIANA,
OFFICE OF THE GOVERNOR,
Indianapolis, March 29, 1966.

HON. LYNDON B. JOHNSON,
President of the United States
The White House
Washington, D.C.

DEAR MR. PRESIDENT: Your letter concerning traffic safety arrived at a most opportune time. We, in Indiana, have just concluded a special conference on the traffic safety situation here. As a part of that conference, I reviewed the activities of state government and discussed the role of citizen support groups in an all out campaign to curtail the rising traffic toll on our highways. A copy of my remarks is enclosed for the information and use of your staff personnel working on the problem. I hope it will be helpful.

Many of the programs mentioned in your March 2, 1966, Message on Transportation and incorporated in Senate Bill 3005 are currently operative within the framework of Indiana's traffic safety programs. The Crash Injury and

Accident Research Division of the State Police is now conducting studies which, I feel, approximate the intent of several legislative recommendations, e.g., S. 3005 at § 403. Also enclosed is a copy of a recent study on Compact Car Accidents. A second investigation reviewing causative factors in fatal accidents is now underway as noted on page 2, paragraph 2 of my traffic safety talk.

I would urge your consideration of the possibility of selecting several state government officials who have worked, independent of any particular special interest group or organization, on traffic safety problems faced by the states. These people have a healthy overview of the entire program and are not weighted toward or against any particular proposals on safety. These officials have had to operate within the realities of the contemporary situation and have learned to cope with complex situations. They would also bring actual experience into play. A sharper focus might be possible by the use of such a group. The individuals could aid in determining the responsibilities and relationships between the various levels of government so that the concept of creative federalism, you mention, can be functional and operative.

I appreciate this opportunity to present Indiana's program and my views. If we can be of further assistance, please feel free to call.

Sincerely,

ROGER D. BRANIGAN,
Governor of the State of Indiana.

THE STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, March 30, 1966.

THE PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I appreciate your letter of March 24 and the attached copy of S. 3005, a bill to provide for a coordinated national safety program and to establish safety standards for motor vehicles. I further note that you invite any comment that I might have to submit relative to this proposal or other matters that could be adopted to reduce the high accident and fatality rate on our nation's highways.

I would particularly like to urge that special attention be given to Sub-Section 403 of Section 301 of Title III of the bill. This deals with highway safety research and development. It has become increasingly evident to me that we need to establish more constructive guidelines for revocation of licenses of senior citizens, other than a simple age limitation. It is my understanding that some states do have tests that are applied, but in most instances the driver once licensed continues to be eligible for a license unless it is revoked for some violation or other stipulated cause.

Age itself is not a reliable criteria for eligibility to drive. Physical deficiencies do not follow any inflexible pattern. It seems there has been reluctance on the part of regulatory agencies to develop criteria for drivers' tests for senior citizens. This I hope could be further explored under the section of the bill that is mentioned above.

I would need additional information on the bill before I could subscribe my full support to all titles contained therein.

Yours very truly,

WM. H. AVERY, *Governor.*

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, March 29, 1966.

HON. LYNDON B. JOHNSON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: Thank you for your letter and for your interest in traffic safety. I appreciate your sending me a copy of the proposed legislation to provide a coordinated national safety program and establishment of safety standards for motor vehicles.

I share your concern over the rising toll of death and destruction on our highways. Neither North Carolina nor any other state can afford the terrible price of the destruction and carnage on our highways.

We in North Carolina now have underway a comprehensive highway safety program designed to save lives on our highways. We are attempting to get at this problem in a number of ways through a coordinated safety program under a recently established Traffic Safety Authority.

The program, which I believe to be unique in the nation, was enacted by the 1965 General Assembly. In addition to the Traffic Safety Authority, the General Assembly authorized a University Highway Safety Research Center, which we are now in the process of establishing. Other programs include an automobile inspection program which is just getting underway, reflectorized license plates which will be issued beginning in 1967, and a comprehensive program of driver education for every new driver under the age of eighteen, in or out of school.

In addition, the Legislature authorized, and the people have approved, a \$300 million road bond issue. Part of these funds will be used to improve existing highways. We are now in the process of revamping our court structure. This we believe will help us make drivers out of some dangerous drivers. Additional highway patrolmen have been added, and we are seeking ways to keep them on the highways for a larger percentage of their on-duty time.

For your information I am enclosing a copy of my traffic safety message to the General Assembly. This program was enacted and, I believe, it provides North Carolina with the tools necessary to curb the death and destruction on our highways. We are seeking to implement this program to the fullest at the present time.

I commend you for your interest in traffic safety. Too many lives are being lost every day. We must attempt to curb this death and destruction by every practical means at our disposal.

With best wishes, I am

Sincerely yours,

DAN MOORE.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, March 29, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: The Traffic Safety Act of 1966 will be the most important piece of legislation affecting the welfare of the American people to be enacted in our generation. I wholeheartedly applaud your action, and will do everything possible to support it.

It is my hope that this Act may be expanded at the earliest possible time to include provisions for standardized qualification tests for all drivers in the United States and the making available of a high quality driver education course for every first-time licensee, adult or young person. The education of our drivers, is, I believe, the single most important part of any traffic safety program. No matter how well designed the machinery or the roadway on which it travels, the ultimate responsibility for safety lies in the hands of the driver.

I applaud your efforts aimed at stopping this tragic waste of life now occurring daily on America's streets and highways.

Sincerely,

CALVIN L. RAMPTON, Governor.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, March 30, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am grateful for your letter of March twenty-fourth and the enclosed copy of the Traffic Safety Act of 1966.

Your concern for the promotion of greater highway safety is shared by me, and I am sure by all responsible officials in Virginia.

I am glad to report that the Virginia General Assembly indicated its intention on this subject by strengthening a number of our statutes related to highway safety at its biennial session which adjourned on March Twelfth.

Respectfully yours,

MILLS E. GODWIN, Jr.

OFFICE OF THE GOVERNOR,
Springfield, April 27, 1966.

HON. FRANK ANNUNZIO,
U.S. Congressman,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANNUNZIO: Our Official Traffic Safety Coordinating Committee unanimously believes that there should be Federal regulations and minimal safety requirements for equipment and tires. We also strongly believe that the power to set minimal standards of a higher grade than that set by the Federal government should be retained by the states. The United States Supreme Court has repeatedly held that, in areas where the Federal government has entered fields of control formerly solely governed by the states, the states have lost control and jurisdiction over these areas.

For these reasons, we suggest to you the adoption of the amendments attached to S 2669, S 3005, and HR 13228. These amendments allow the states to participate and cooperate with the Federal government in establishing uniform standards for highway safety programs. The suggested change in the effective time of the order of the Secretary (of Commerce or Transportation) would give the respective states an opportunity to enact legislation necessary to set minimal standards and to provide for the enforcement thereof.

I urge you to help develop and work for the passage of traffic safety legislation which will be compatible with the comments expressed above for minimal Federal requirements with the right reserved to the states to adopt and enforce higher standards if they so desire.

Your efforts in this direction will be appreciated.

Sincerely,

OTTO KERNER, Governor.

[S. 2669, 89th Cong., 2d sess.]

AMENDMENT Intended to be proposed by Mr. _____ to S. 2669, a bill to establish safety standards for motor vehicle tires sold or shipped in interstate commerce, and for other purposes, viz:

In sec. 6, strike out the second sentence in said section, and insert in lieu thereof: "Amendments shall become effective on the date specified therefor by the Secretary in said order which shall be no sooner than one year nor later than two years from the date on which the amendment is issued."

In Sec. 7, in the first sentence in said section, strike out "differ from" and insert in lieu thereof "standards are lower than the".

In Sec. 7, in the first sentence in said section, strike out "different" and insert in lieu thereof "lower".

[H.R. 13228, 89th Cong., 2d sess.]

AMENDMENTS Intended to be proposed by Mr. _____ to H.R. 13228, a bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents, viz:

On page 4, line 19, strike out "one hundred and eighty days" and insert in lieu thereof "one year".

On pages 4 and 5, strike out all that part of paragraph (b) following the period in line 20 of page 4.

On page 5, strike out lines 15 through 19 and insert in lieu thereof "order, which shall be no sooner than one year from the date on which the amendment or withdrawal is issued."

On page 22, lines 14 and 15, strike "approved by the Secretary" and insert in lieu thereof "developed by the Secretary in cooperation with the States."

STATE OF MINNESOTA,
DEPARTMENT OF ADMINISTRATION,
St. Paul, April 19, 1966.

CHAIRMAN, HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE,
U.S. House of Representatives,
Washington, D.C.

HONORABLE SIR: I understand that your committee has for consideration the tire safety bill S. 2609.

As a public purchasing officer and as the chairman of the Standards Committee of the National Association of State Purchasing Officials, I wish to express my support for this bill and urge its passage by the Congress.

The voluntary standards adopted by the industry are woefully inadequate. These industry standards do not define quality so as to enable the consumer to make an intelligent choice. Further, the industry standards established are so loose that they permit almost every tire on the market to qualify for acceptance.

The requirements in S. 2609 are definitely in the public interest and in my opinion the industry is completely capable of fulfilling these requirements without imposing any hardship upon itself. I hope that your committee will take favorable action on the bill and recommend its adoption.

Respectfully yours,

ALAN O. VESSEY,
Director of Procurement.

DEPARTMENT OF TRANSIT AND TRAFFIC,
Baltimore, Md., March 17, 1966.

Re H.R. 12548.

MR. W. E. WILLIAMSON,
Clerk, House of Representatives, Committee on Interstate and Foreign Commerce, House Office Building, Washington, D.C.

DEAR MR. WILLIAMSON: I have had the opportunity to review quickly H.R. 12548 which proposes to establish a National Traffic Safety Agency. I feel that the objectives of the bill to provide leadership and to reduce traffic accident losses are commendable; however, there are some elements of the bill which I feel will present problems.

First, Section 6 (a) requires the Secretary to establish and publish, not later than six months after the effective date of the Act, regulations prescribing national traffic safety standards. I suspect very strongly that the time allotted is insufficient to develop the standards. Many large and effective organizations such as the U.S. Bureau of Public Roads, the National Safety Council, the American Association of State Highway Officials, the Institute of Traffic Engineers, the Highway Research Board, and others have—after years of effort—not been able to develop fully the regulations required by this Act.

Section 8 proposes grants to the States which comply with the aforementioned regulations. It is my considered judgment that this requirement cannot be met because I feel sure that Section 6(a) cannot be properly accomplished.

With respect to the establishment of a National Traffic Safety Center, this is an area where progress can be made; but I can only wonder out loud whether or not this might not duplicate the purposes of the recently established Safety Center at the University of Michigan. One of the greatest problems in traffic safety today is the inability to assemble sufficient manpower to accomplish our goals, and the dual effort called for by this bill and that of the University of Michigan could well leave both organizations inadequately staffed.

If I can be of further help in your analysis of this bill, I should be happy to cooperate.

Very truly yours,

JAMES L. FOLEY, JR.,
Commissioner.

THE COUNCIL OF STATE GOVERNMENTS,
EASTERN REGIONAL OFFICE,
New York, N.Y., April 1, 1966.

Representative HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STAGGERS: At the request of the Eastern Regional Committee on Highway Policy Problems and Transportation we are sending you the

enclosed copy of a resolution on Tire Safety Standards adopted by the Committee at its meeting in New York City on March 24-5.

The Committee consists of the state highway commissioners, motor vehicle administrators, state police chiefs, public utility commissioners and two legislators from each of the 11 states from Maine through Maryland. The resolution reflects the views of these state officials that enactment of S. 2669, now pending in your Committee, would negate the cooperative efforts of the states to establish equipment standards through the Vehicle Equipment Safety Compact Commission.

Sincerely,

WILLIAM L. FREDERICK,
Regional Director.

TIRE SAFETY STANDARDS

Whereas Congress by passage of the Beamer Resolution in 1958 encouraged the states to join together in interstate compacts in the highway safety field and the states promptly took such action by developing the Driver License Compact and the Vehicle Equipment Safety Compact; and

Whereas under the terms of the Vehicle Equipment Safety Compact, which forty-four states have ratified, a Commission was established which has promulgated stringent performance requirements for tires which are now in the process of being adopted in the various states; and

Whereas passage by the Congress of S. 2669, the Tire Safety Act of 1966, would nullify the tire safety standards promulgated by the Vehicle Equipment Safety Commission and give the federal government exclusive jurisdiction over tire standards even though the states have more effective machinery than does the federal government for enforcing vehicle equipment standards; and

Whereas such action by Congress with respect to tire standards would discourage the states from establishing standards for other types of vehicle equipment lest their efforts in these areas also be rendered useless by subsequent Congressional action: Now, therefore, be it

Resolved, That the Eastern Regional Committee on Highway Policy Problems and Transportation of The Council of State Governments meeting in New York City, Marvch 24-25, 1966, strongly opposes enactment of S. 2669; and be it further

Resolved, That the Committee urges Congress not to pass any legislation pertaining to vehicle equipment safety standards at this time so that the states may have an opportunity to demonstrate their ability to establish such standards through the mechanism of the Vehicle Equipment Safety Commission.

THE COUNCIL OF STATE GOVERNMENTS, WESTERN OFFICE, San Francisco, Calif., May 4, 1966.

To: Members of the U.S. Senate Committee on Commerce and Members of the U.S. House of Representatives Committee on Interstate and Foreign Commerce

At the request of Governor Clifford P. Hansen of Wyoming, Chairman of the Committee on Transportation and Public Safety of the Western Governors' Conference, we are enclosing a resolution entitled "Highway Safety," which was adopted unanimously at the 1966 Annual Meeting of the Conference last week.

Also enclosed are the resolution and policy statement of the Western Interstate Committee on Highway Policy Problems to which the Western Governors' Conference resolution makes reference.

If you wish additional copies of these materials, please let us know.

Sincerely yours,

ELTON K. MCQUERY,
Director, Western Office.

RESOLUTION ADOPTED BY THE WESTERN GOVERNORS' CONFERENCE, LAS VEGAS, NEV.,
APRIL 28, 1966

HIGHWAY SAFETY

Whereas the deaths, crippling injuries and economic waste growing out of motor vehicle accidents have been rapidly increasing during recent years and the mounting total of registered vehicles, licensed operators, and vehicle miles driven further emphasize the gravity of this situation; and

Whereas traffic accident prevention requires a partnership of public officials—city, county, state and Federal, with the assistance of national professional organizations and associations knowledgeable in this field—to solve this most complex problem of traffic accidents; and

Whereas the Western Governors' Conference is cognizant of the Baldwin Amendment previously enacted by Congress, as well as legislation presently pending before the Congress that will further encourage and assist the states in the development of highway safety programs: Now, therefore, be it

Resolved, That the Western Governors' Conference, in addition to commending the Western Interstate Committee on Highway Policy Problems for its recent highway policy statement, suggest to the Secretary of Commerce that he give full consideration to that statement in the development of standards on the subjects contained therein; and that each member state of the Western Governors' Conference proceed forthwith to implement the recommendation contained in the statement, that each state develop a comprehensive program; and be it further

Resolved, that the federal and state governments through the agency of the Vehicle Equipment Safety Commission and the automobile manufacturers should coordinate their efforts to provide an acceptable set of vehicle safety standards.

WESTERN INTERSTATE COMMITTEE ON HIGHWAY POLICY PROBLEMS, APRIL 3-5,
1966, HOTEL UTAH, SALT LAKE CITY, UTAH

RESOLUTIONS

I. Highway safety standards

Whereas legislation enacted by the First Session of the 89th Congress, the so-called "Baldwin Amendment," requires each state to have a highway safety program approved by the Secretary of Commerce by December 31, 1967; and

Whereas The Baldwin Amendment further provides that "... Such highway safety programs should be in accordance with uniform standards approved by the Secretary and should include, but not be limited to, provisions for an effective accident records system, and measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations"; and

Whereas The Western Interstate Committee on Highway Policy Problems since its creation in 1949 by the Western Conference of the Council of State Governments has taken the lead in encouraging the states to achieve substantial uniformity in those aspects of highway design, and construction and use where uniformity is desirable; and

Whereas the Western Interstate Committee on Highway Policy Problems has given careful study and consideration to the provisions of the Baldwin Amendment and its impact on the states: Now, therefore, be it

Resolved, That the Western Interstate Committee on Highway Policy Problems, meeting in Salt Lake City, Utah, April 3-5, 1966, hereby adopts the following *Policy Statement* and directs that copies of the *Statement* be sent to the Secretary of Commerce, the members of the appropriate committees of the United States Senate and House of Representatives, and all Members of Congress from the western states; and be it further

Resolved, That the Western Interstate Committee on Highway Policy Problems urges each western state promptly to take whatever steps may be necessary to achieve the goals set forth in the following *Policy Statement*.

Policy statement

Public Law 89-139, Section 4—the Baldwin Amendment—directs the states to develop comprehensive highway safety programs which meet "uniform standards approved by the Secretary [of Commerce]." The Western Interstate Committee on Highway Policy Problems calls attention to the fact that although highway safety requires the joint efforts of all branches of government and all levels of

government, the major responsibility rests with the states, and state legislatures play a key role. It is their responsibility to provide the legal framework and the financial support of all activities of state government, including activities in the field of highway safety. As elected representatives of the people, state legislators are aware of the great progress which has been made, as well as the problems which remain unsolved. Their views should be given full consideration in the formulation of the standards envisaged by the Baldwin Amendment. The Western Interstate Committee on Highway Policy Problems urges that these standards be phrased in terms of performance objectives to be achieved, rather than in terms of specific and detailed requirements, and that they be stated in terms sufficiently general to permit adaptation to the varied circumstances and needs of the several states and localities. The Western Interstate Committee on Highway Policy Problems believes that the nationwide standards promulgated at this time should be aimed at accomplishing the following goals:

(1) To achieve substantial uniformity among the states and among localities within the states with respect to the rules of the road, so that a motorist may be assured that wherever he drives, the same rules will govern the operation of his vehicle, provided, however, that due consideration be given to the fact that driving conditions vary from locality to locality and from state to state.

(2) To make driver education courses and behind-the-wheel training available to all students at the high school level within the ability of the states and local jurisdictions to find suitable means for financing and administering such programs.

(3) To provide for the development of uniform tests of driving capability and for examination and re-examination, where needed, by trained personnel; to maintain complete records reflecting the performance both within the state and out of state of all drivers licensed by a state; to provide effective driver improvement programs; and to provide for the suspension or revocation of the licenses of persons whose performance indicates that they are unsafe or poor risk drivers.

(4) To provide at the state and local levels a force of well trained police personnel of sufficient size to carry out effectively the functions of traffic direction and control, accident investigation and uniform traffic law enforcement; and to assist and encourage political subdivisions to achieve a uniformly high level of performance in traffic supervision and law enforcement.

(5) To develop suitable criteria for determining the circumstances under which the use of intoxicants or drugs renders a driver unfit to operate a vehicle safely.

(6) To require a suitable program for the inspection of vehicles to determine whether they are in safe operating condition.

(7) To develop an adequate state-wide accident reporting system and to provide for competent analysis and interpretation of accident data and their prompt dissemination to all appropriate state and local officials to aid in police traffic supervision and so that high-accident locations may be eliminated by redesign, or minimized by the use of signs, signals and markings.

(8) To achieve substantial uniformity among the states and among localities within the states with respect to the installation and maintenance of uniform signs, signals and markings.

(9) To develop and carry out long-range plans for the construction of new highways and the redesign of existing highways, employing the latest advance in traffic and civil engineering principles to adapt design and routing to the growing knowledge of driver habits and behavior, and to provide for the training of an adequate supply of traffic engineers.

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS,
Washington, D.C. May 20, 1966.

HON. HARLEY O. STAGGERS,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN STAGGERS: In reference to H.R. 13228 we enclose recommendations of our Association for your consideration in marking up the bill.

Under separate cover we are mailing a position statement which expands on our reasons for the amendments which we propose. It is our considered judgment that the bill is basically sound.

Sincerely yours,

GLENN V. CARMICHAEL,
Executive Director.

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

SUGGESTED CHANGES ON S. 3005 AND H.R. 13228

FOR THE CONSIDERATION OF THE COMMITTEES

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

Section 102(a). Pages 3 and 4, S. 3005 and H.R. 13228: The States are excluded from the standards making process under provisions of this section. In order to provide the basis for a State-Federal partnership in determining motor vehicle safety standards we recommend that this section be rewritten substantially as follows:

(NOTE.—Words to be deleted are enclosed in brackets; words to be added are italicized.)

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

SEC. 102. (a) Secretary shall, from time to time, review existing public and private motor vehicle safety standards and the degree of effective compliance existing with respect to such standards. If, at any time after two (or one) years from the date of the enactment of this Act, he determines that there is a need for a new or revised motor vehicle safety standard and/or that—

- (1) no motor vehicle safety standard exists;
- (2) any existing motor vehicle safety standard is inadequate to protect the public against unreasonable risk of accidents or of death, injury, or property damage resulting therefrom, as defined in section 101(a);
- (3) any existing motor vehicle safety standard is not based upon all measurements of performance necessary to the achievement of motor vehicle safety; or
- (4) the degree of effective compliance with respect to any existing motor vehicle safety standard is insufficient to achieve adequate motor vehicle safety; *[then the Secretary is authorized to establish and issue by order, in accordance with section 4 of the Administrative Procedure Act, appropriate Federal motor vehicle safety standards for motor vehicles or motor vehicle equipment.] then the Secretary is authorized to establish and issue by order, in accordance with section 4 of the Administrative Procedure Act, appropriate Federal motor vehicle safety standards for motor vehicles or motor vehicle equipment after consultation with and upon the advice of the representatives of the states charged with responsibility for administering the states' motor vehicle and motor vehicle safety laws through their national association. In determining such standards due consideration shall be given to standards recommended by the Vehicle Equipment Safety Commission and such recommended standards shall be followed unless the Secretary finds, based on competent evidence, that such standards are insufficient for the achievement of motor vehicle safety as contemplated in this Act.*

Section 102 (b). Pages 4 and 5, S. 3005 and H.R. 13228: This section provides that "No State or local government law, regulation, or ordinance shall establish a safety standard for a motor vehicle or item of motor vehicle equipment in interstate commerce if a Federal motor vehicle safety standard * * * is in effect * * *; and any such law, regulation, or ordinance purporting to establish such safety standards * * * shall be null, void, and of no effect." This leaves the status of State regulation of motor vehicles and motor vehicle equipment in doubt. If this is intended to be a pre-emption of state regulation it is fatally defective, since enforcement of Federal standards is directed toward the manufacturer and no provision is made for enforcement against the owner and user. The result would seem to be that no regulation of equipment after "the first sale in good faith other than for resale" would be possible.

In order to ensure that there will continue to be motor vehicle safety regulation and enforcement intrastate by the states, and to obviate the need for any Federal enforcement directed toward motor vehicle owners and users, we recommend that this section be rewritten substantially as follows:

SEC. 102. (b) A Federal motor vehicle safety standard issued by order pursuant to subsection (a) shall become effective on a date specified by the Secretary in that order, which shall be no sooner than one hundred and eighty days nor later than two years from the date on which the standard is issued. *[No State or local government law, regulation, or ordinance shall establish a safety*

standard for a motor vehicle or item of motor vehicle equipment in interstate commerce if a Federal motor vehicle safety standard issued in conformance with the provisions of this title is in effect with respect to that motor vehicle or item of motor vehicle equipment; and any such law, regulation, or ordinance purporting to establish such safety standards and providing a penalty or punishment for an act of noncompliance therewith shall be null, void, and of no effect. However, nothing herein shall be construed to prevent a State or local government or the Federal Government from establishing requirements more stringent than a Federal motor vehicle safety standard for the exclusive purpose of its own procurement. *Nothing in this Act shall be construed to prevent the states from establishing and enforcing state motor vehicle safety standards not inconsistent with standards issued by the Secretary pursuant to subsection (a) nor shall this Act be construed to prevent a State or local government or the Federal Government from establishing a requirements more stringent than a Federal motor vehicle safety standard for the exclusive purpose of its own procurement.*

Section 102 (c), page 5, S. 3005 and H.R. 13228: In order to correlate this section with changes recommended in Sec. 102 (a), this section should be rewritten to read as follows:

Sec. 102. (c) The Secretary, from time to time, and subject to section 4 of the Administrative Procedure Act and provisions of section 102 (a), may by order amend or withdraw Federal motor vehicle safety standards issued under this section ***

RESEARCH, TESTING, AND DEVELOPMENT

Section 104 (e), page 10, S. 3005 and H.R. 13228: This section permits grants to "State or interstate agencies and nonprofit institutions for performance of activities authorized in this section." In our opinion this section should be amended by deleting the words "State or interstate agencies and nonprofit institutions" and inserting there instead the words "universities and colleges, state motor vehicle departments, and the Vehicle Equipment Safety Commission." We therefore recommend that this provision be rewritten as follows:

Sec. 104. (e) awarding grants to [State or interstate agencies] *universities and colleges, state motor vehicle departments, the Vehicle Equipment Safety Commission, and other nonprofit institutions for performance of activities authorized in this section.*

COOPERATION

Section 105. Page 10, S. 3005 and H.R. 13228: The thrust of this provision is to permit the Secretary to receive and expand funds available from "Federal agencies, State or other public agencies, businesses, universities, or other institutions in the planning or development of: (a) motor vehicle safety standards; (b) methods for inspecting or testing under motor vehicle safety standards; and (c) motor vehicle and motor vehicle equipment test methods and test equipment." For purposes of clarification it is suggested that this provision be rewritten as follows:

Sec. 105. In addition to such advisory authority as the Secretary otherwise may exercise, he is authorized to advise, assist, cooperate with and to receive and expend funds made available thereunder by Federal agencies, State or other public agencies, businesses, universities, or other institutions *through grants to or contracts with such agencies, businesses, universities, or other institutions for [in] the planning or development of:*

TRAINING

Section 106 (a) and (b) Page 11, S. 3005 and H.R. 13228: In our opinion, state personnel can best be trained by the states. With this in mind, and to encourage the states to provide such training we recommend that these sections be rewritten to read substantially as follows:

TRAINING

Sec. 106. (a) [The Secretary is authorized to train, or establish training programs for personnel of Federal agencies, State or other public agencies or institutions by grants to or contracts with such agencies, firms, or institutions for] *For the purpose of achieving motor vehicle safety as provided in this title [], the Secretary is authorized to make provisions for the training of personnel of Federal agencies, State or other public agencies or institutions, private firms and private institutions by grants to or contracts with such agencies, firms or institu-*

tions and to provide instructor level training at the Federal level for state level instructional personnel either through establishment of such training programs or through contracts with or grants to Federal agencies, State or other public agencies or institutions, private firms or private institutions to establish such training programs. He may receive and expend funds made available for this purpose under Federal appropriations or under cooperative agreements with such agencies, firms or institutions, [or] and utilize motor vehicles or motor vehicle equipment [furnished] made available thereunder for such training purposes. Such training may include—

SEC. 106. (b) The Secretary may purchase, use, and dispose of, or authorize the purchase, use, and disposal of motor vehicles or motor vehicle equipment for use, other than for purposes of transportation, in the training authorized by subsection (a), under the same authority, and subject to the same conditions, as provided in section 104.

PROHIBITED ACTS

Section 107(b)(1). Page 12, S. 3005 and H.R. 13228: In order to make this provision conform with sec. 102(b) we recommend that this provision be rewritten to read as follows:

PROHIBITED ACTS

SEC. 107. (b)(1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any motor vehicle or motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. *However, nothing herein shall be construed to prevent a State from establishing and enforcing motor vehicle safety standards not inconsistent with standards issued by the Secretary pursuant to subsection (a).*

AVOIDANCE OF DUPLICATION

Section 113. Page 20, S. 3005 and H.R. 13228. The following clarifying change is suggested:

AVOIDANCE OF DUPLICATION

SEC. 113. The Secretary, in exercising the authority under this Act, shall utilize the services, research, and testing facilities of other departments and agencies, and of universities, state motor vehicle departments, and the Vehicle Equipment Safety Commission to the maximum extent practicable in order to avoid duplication in facilities and services operated by the departments and agencies, and by the universities, state motor vehicle departments, and Vehicle Equipment Safety Commission.

AMERICAN SOCIETY OF SAFETY ENGINEERS,
Chicago, Ill., May 24, 1966.

Re Traffic Safety Act, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN STAGGERS: The Executive Committee of the American Society of Safety Engineers, representing some 8,500 professional safety specialists and engineers, has carefully considered the elements of the legislation pending before your Committee, designed to reduce the number and severity of traffic accidents and injuries.

They have instructed me, in the name of the Society, to convey to you and your Committee the following statement:

"The American Society of Safety Engineers endorses in principle legislation which provides for the promulgation of performance standards for automobiles, creates a research center and provides research funds; and makes possible the promulgation of standards for state traffic safety programs, in addition to providing some financing for such programs.

"The Society recommends that such services as the enforcement of traffic laws, driver education, driver licensing, traffic and highway engineering, motor vehicle inspections, etc., remain state and local functions and responsibilities, guided by federally promulgated standards determined after public hearings."

Your serious consideration of these recommendations is requested.

Sincerely,

A. C. BLACKMAN, Secretary.

DRIVER AND SAFETY EDUCATORS ASSOCIATION OF NEW YORK STATE,
Latham, N.Y., May 5, 1966.

Representative HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE STAGGERS: The Driver and Safety Educators Association of New York State has just held its annual meeting in Glens Falls. A resolution was passed endorsing S. 3005 (Magnuson), and H.R. 13228 (Staggers), its companion.

As the new President of this Association, I feel that it is most important to inform you of this support and to point out that if Title I were amended, in order for the States to help develop motor vehicle safety standards, it would be even better.

The States' role could be amplified through the Vehicle Equipment Safety Compact Commission which now has representatives serving on it from 44 states and D. C.

New York State, as I'm sure you realize, was the first State to enact the Vehicle Equipment Safety Compact and William S. Hults, Commissioner of Motor Vehicles, is the State representative to the Commission.

Our Association has worked closely with Commissioner Hults over the years and we have found him to be a very dynamic, intelligent, and understanding man. Furthermore, his Research Department has been most active in the safety field and has turned out valuable accident statistics and other important information.

It seems most feasible that Title I should be amended so that such information could be used properly and that men of the caliber of Commissioner Hults be able to exercise their invaluable experience in the development of motor vehicle safety standards through the Compact Commission.

Thank you for your cooperation.

Respectfully yours,

HARVEY E. CLEARWATER, *President.*

EASTERN INDUSTRIAL TRAFFIC LEAGUE, INC.,
Lancaster, Pa., April 28, 1966.

Re bill H.R. 13228, National Traffic Safety Act.

HON. HARLEY O. STAGGERS,
Chairman, House Interstate and Foreign Commerce Committee, Washington, D.C.

SIR: The Eastern Industrial Traffic League, Inc. is a non-profit membership organization of almost 200 associations, shippers, and receivers of freight. The League's purpose is to safeguard the transportation interests of the shipping and receiving public, who have a cause to be interested in commerce within, to, and from the Middle Atlantic and New England areas. The membership includes many of the principal associations and industries engaged in many types of businesses in this territory and representation by industries located elsewhere. The League supports the provisions of the referenced pending legislation.

The membership, at a meeting in Boston, Massachusetts on April 12-14, 1966 passed a unanimous motion that the League support this legislation without qualifications.

We request this letter be incorporated in the record of the hearings on this proposed legislation.

Very truly yours,

JOHN KEENE,
Chairman, Legislative Committee.

NATIONAL ASSOCIATION OF MOTOR BUS OWNERS,
Washington, D.C., April 19, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The National Association of Motor Bus Owners fully supports in principle the President's recommendation urging enactment of a national highway traffic safety program. We agree that the rising toll of high-

way accidents and fatalities requires an attack far broader in scope than that which is possible on the basis of the inadequate financial and other resources presently available to the public and private agencies operating in this field. We endorse the approach to this problem along the lines set forth in the bills, H.R. 13228 and H.R. 13290.

This organization, commonly known as NAMBO, is the national trade association for the intercity bus industry and, as such, serves as spokesman for carriers who provide approximately three-fourths of the total volume of intercity passenger transportation by motor bus. They include Greyhound Lines, carriers affiliated with the National Trailways Bus System as well as many companies independent of both systems.

During the intercity bus industry's history of a half century as an increasingly important segment of the national transportation system, one of its most important concerns has been safety not only of its passengers but also the safety of other users of the highways and of pedestrians.

That the efforts devoted to this aspect of our operations have been successful is apparent from the fact that, according to data published by the National Safety Council, the passengers in our buses, who number nearly a half billion annually, are approximately 20 times safer than those travelling by automobile. Because of our intense and continuing concern with safety on the highways, we strongly support any program which gives real promise of improving the environment in which our vehicles operate thereby reducing our exposure to potential accident situations. The obvious consequence would be a further improvement in our already excellent safety record.

We believe that some aspects of our safety programs and our experience are pertinent to the proposals set forth in the bills. Our experience fully substantiates the generally recognized conclusion that relatively seldom is a motor vehicle accident due to a single cause. Almost always two or more basic conditions are involved; they include the vehicle, the driver, the traffic, and the highway. The proposed program includes measures for dealing with these basic causal factors, and for lessening the impact of adverse weather conditions on safe highway transportation.

Titles I and II of the bill, H.R. 13228, deal with the vehicle. It is our view that there has been a continuing improvement in the safety characteristics of motor vehicles, but we agree that further refinements are essential. We believe, however, that existing research and testing facilities of vehicle manufacturers, universities and other organizations should be fully utilized for the development of such improvements and that real progress can be made by effective cooperation between the Federal government and these organizations. Apart from the basic operating characteristics of vehicles, it is essential that appropriate emphasis be placed on improvements designed to protect occupants from death or injury resulting from the "second collision."

It is also our position that the promulgation by the Federal government of mandatory vehicle specifications is neither necessary nor desirable. We are convinced that the voluntary approach is much to be preferred and we believe that it will be effective. The extent to which the manufacturers have voluntarily adopted many of the GSA standards prescribed for vehicles purchased by the Federal government as standard equipment in all models supports this conclusion. It is essential that any vehicle standards promulgated be in terms of performance rather than detailed mechanical specifications. Mechanical devices which would provide satisfactory performance standards in certain sections of the country might be inadequate in other areas due to variations in climatic or other conditions.

There are collateral reasons for this conclusion. First, it is generally recognized that an accident in which a vehicle defect is the primary cause, or even a major contributing factor, is a relatively rare occurrence. And in the few cases in which the vehicle is a factor, it virtually always reflects a defect in maintenance not in vehicle design or equipment. Far more important are highway or other environmental conditions and driver errors which do occur despite increasing emphasis on safety and training programs.

The safest vehicle that could be produced continues to be safe only if it is properly maintained at all times, and we are convinced that this factor must be a very important element of the broad National Safety Program proposed in Title III of the bill, H.R. 13228 and by H.R. 13290, which is strongly endorsed in principle by the bus industry, particularly with respect to the vital need for additional research in the whole field of highway safety.

It is equally true that no vehicle is safe unless it is properly operated by an adequately qualified driver. Our own experience over many years has led to the firm conclusion that the driver is by far the most important factor in safety of operation. It is reflected in the very rigorous qualifications established for the selection of drivers and by the intensive training and retraining programs conducted by the carriers.

There are many private organizations which have accumulated a wealth of scientific information in this field over many years, and we urge full utilization of this expertise in the operation of the program Section 301(c) of the bill, H.R. 13228 (Section 101(c) of H.R. 13290), would authorize.

Sections 303 and 305 of H.R. 13228 (Sections 103 and 105 of H.R. 13290), provide for financing the program proposed in Title III of H.R. 13228 and in H.R. 13290 by appropriations out of the Highway Trust Fund. We agree with the position of the Administration that this expenditure should not encroach on the currently dedicated highway-user revenues devoted to the Federal-aid highway program. The benefits of the proposed safety program will accrue to the general public, not only to users of the highways. We therefore strongly urge that the Highway Trust Fund be reimbursed from general funds for any appropriations to finance this program and the highway beautification program as provided in Section 107 of the proposed Highway, Airway, and Waterway User Act of 1966.

In view of the fact that the subject matter in Titles I and II of H.R. 13228 is so closely interrelated with that in H.R. 13290 (Title III of H.R. 13228), we have discussed the proposed program as a whole.

This Association does not contemplate requesting time to appear and testify on the bill, H.R. 13228, before your Committee but would appreciate inclusion of this statement in the record of the hearings. If we can be helpful to the Committee in any way in its deliberations, we shall be glad to do so.

Sincerely,

EVERETT HUTCHINSON, *President.*

THE NATIONAL INDUSTRIAL TRAFFIC LEAGUE,
New York, N.Y., May 20, 1966.

Hon. H. O. STAGGERS,

*Chairman, House Committee on Interstate and Foreign Commerce, Rayburn
Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Members of The National Industrial Traffic League are very much interested in H.R. 13228, a bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents. This bill implements one of the major proposals contained in President Johnson's transportation message of March 2, 1966.

The National Industrial Traffic League is a nationwide voluntary organization of shippers. In addition to individual companies, its membership includes Chambers of Commerce, Boards of Trade, and similar commercial organizations whose members likewise have substantial interest in transportation matters. The League has no carriers in its membership. It represents and expresses the interest of those companies who actually ship and receive freight, the payers of transportation charges. The membership is comprised of interests from all parts of the nation and includes virtually every line of industrial and commercial activity.

The National Industrial Traffic League is dedicated to the development and maintenance of sound conditions in transportation, having in mind the needs of the nation, the carriers, and shippers. The members, committees, and officers are constantly studying and acting upon policies with respect to transportation.

Following submittal of President Johnson's transportation message to Congress and the introduction of implementing legislation, the League's Special Committee on Transportation Outlook and Policy considered the provisions of H.R. 13228 and the various proposals contained therein. After study and consideration, this committee made specific recommendations which were considered by the League's membership on April 19, 1966, at a special meeting held in Chicago, Illinois.

League members are primarily interested in those proposals in the President's message affecting carriers, that is, regulated or private as distinguished from the family passenger cars. As private individuals, of course, League members are very much interested in safety measures affecting the private automobile.

The safety provisions of H.R. 13200, a bill to create a Department of Transportation, are closely related to the purpose of H.R. 13228 now before your committee. Both bills were considered by the League under the overall question of safety. League members voted general support of the overall safety program outlined in these two bills. This support is conditioned, however, on the proviso that the Interstate Commerce Commission should retain all regulatory jurisdiction over all safety matters involving the transportation of property and passengers including the present functions of the Commission's Bureau of Explosives.

The League recommended that the Interstate Commerce Commission should seek counsel and advice from the National Transportation Safety Board if such a board is approved and established, with respect to its overall safety program.

In taking the position that the Interstate Commerce Commission should continue to carry out its present functions in the area of safety regulation. The National Industrial Traffic League has particularly in mind two basic points. The first is that in the League's view the Commission has been doing an effective job in the area of safety regulation of both for-hire carriers of property and persons as well as in the sphere of private carriage of property. The second point is that the type of safety regulation which has been carried on by the Commission is unavoidably also economic regulation and as such, should remain with the Interstate Commerce Commission.

By way of concrete illustration, under Section 204 of the Interstate Commerce Act the ICC is empowered to establish "... reasonable requirements with respect to ... records, reports, preservation of reports, qualifications and maximum hours of service of employees, and safety of operation and equipment."

Under Title 18, Chapter 39 U.S. Code, Sections 831 to 835, the Interstate Commerce Commission is now charged with formulating regulations for the safe transportation of explosives and other dangerous articles.

Over the years, the ICC has created a staff which has become expert in these areas of safety regulations. Principles have now been formulated by the Commission with which industry is familiar.

This is not to say that in the evolution of such regulations there have not been differences of opinion. Rather, it is to say, that the regulations which have ultimately been formulated are familiar to industry and are familiar to the Commission's staff. Substantial progress has been made in this area. The League sees no reason why such functions, solely for the sake of change, should be taken from the ICC, and transferred to a new Department of Transportation.

Going to the second point, safety regulation in this area is also in great measure economic regulation. Clearly, the establishment of regulations as to qualifications and maximum hours of service of employees also has a major economic aspect. The prescription of rules pertaining to safety of transportation equipment cannot be artificially isolated from the economic consequences of providing and continuing to utilize such equipment. There is unavoidably an economic element involved in compliance with the regulations of the Commission for the safe transportation of explosives and other dangerous articles. In a word, the impact of all such regulations upon the companies or individuals governed thereby is such that in the end safety regulation is also economic regulation.

Since the safety regulation functions of the Interstate Commerce Commission are also at the same time economic regulatory functions, and since they are presently being carried out in an effective manner, responsibility for such safety regulation should remain with the Interstate Commerce Commission.

As previously indicated, League members, while primarily concerned with proposals affecting transportation, are nevertheless concerned with overall safety proposals. At the Special Meeting on April 19 considerable attention was paid to Section 102(b) of H.R. 13228. League members interpreted this provision to declare "null and void" any State law or regulation establishing safety standards for motor vehicle or item of equipment if a Federal standard is in effect for that vehicle or equipment item. This could mean that States are not permitted to have any safety standards at all for motor vehicles or item of motor vehicle equipment in interstate commerce where a Federal motor vehicle standard established pursuant to H.R. 13228 is in effect with respect to them. Fear

was expressed that these provisions would interfere with long established state highway inspection and safety programs. League members voted opposition to that part of Section 102(b) reading as follows: "No State or local government law, regulation, or ordinance shall establish a safety standard for a motor vehicle or item of motor vehicle equipment in interstate commerce if a Federal motor vehicle safety standard issued in conformance with the provisions of this title is in effect with respect to that motor vehicle or item of motor vehicle equipment; and any such law, regulation, or ordinance purporting to establish such safety standards and providing a penalty or punishment for an act of noncompliance therewith shall be null, void, and of no effect. However, nothing herein shall be construed to prevent a State or local government or the Federal Government from establishing requirements more stringent than a Federal motor vehicle safety standard for the exclusive purpose of its own procurement."

Section 103 of H.R. 13228 makes provision for judicial review of orders under Section 102 of the bill. Section 102 provides for application of Section 4 of the Administrative Procedure Act with respect to orders establishing, amending or withdrawing Federal motor vehicle safety standards for motor vehicles or motor vehicle equipment covered by the proposed legislation. While we believe the matter is thus covered in the bill, we wish to emphasize the League's view that appropriate procedures should be provided whereby the Secretary and the National Transportation Safety Board shall afford appropriate opportunity for interested parties to present their views prior to the issuance of decisions, orders, or other actions.

Possibly this is already contemplated by the proposals of the bill. However, it is the view of the League that this should be clarified beyond any question.

We appropriate this opportunity to present the views of The National Industrial Traffic League on this all important legislation.

Very truly yours,

C. H. WAGER, *President.*

NEVADA FRANCHISED AUTO DEALERS ASSOCIATION,
Reno, Nev., April 25, 1966.

HON. WALTER BARING,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BARING: At the annual meeting of the Nevada Franchised Auto Dealers Association in Las Vegas on April 23, 1966, there were reviewed the various efforts now underway in Congress to reduce the tragic loss of life on our streets and highways. The Nevada new car dealers expressed complete agreement with most of the Federal legislation under consideration, especially as they relate to driver training, uniform traffic laws, and research into the cause of accidents and injury, and the means of remedying them. However, it was the unanimous decision of the membership of NFADA that the provisions of S. 3005, proposing to establish one-man control over many features of vehicle design is not only undesirable but, despite the best of intentions, could cause unrepairable damage to many dealers and their employees in the event inadvertent failure of a manufacturer to meet prescribed standards might deprive that firm's dealers of a marketable product.

The members of NFADA are fully aware of the need for greater emphasis in the field of highway safety, including the conducting of research to indicate the problem areas in vehicle design and performance, and of the additional need to enforce compliance with any standards developed as a result of such studies. However, rather than place full responsibility in the hands of a single Federal administrator, it is the view of Nevada's new car dealers that the expansion of the existing State Vehicle Safety Compact to include all states and the Federal Government is a much more practical approach. Most of the states are now members of the Vehicle Safety Compact, Nevada being the first state to pass enabling legislation permitting the Department of Motor Vehicles to become a member. A proposal, recently advanced, to have all states join that compact, and to give the Federal Government equal voting power to the states as a single entity, appears to provide a satisfactory manner for meeting the objectives of S. 3005. Such an approach would make it possible to take advantage of the vast experience gained by the states in the field of safety, and at the same time, urge that circumstances peculiar to

a specific area are given full consideration when performance standards are under consideration.

In view of the importance of this matter, the membership of NFADA has directed that a copy of this statement be directed to the Nevada Congressional Delegation and to Governor Grant Sawyer, soliciting their support of the alternate plan for a joint commission both before the National Congress and the forthcoming Western Governors' Conference.

Very truly yours,

CHET WINKEL, Jr., *President.*

PHYSICIANS FOR AUTOMOTIVE SAFETY,
Springfield, N.J., March 5, 1966.

Representative HARLEY STAGGERS,
*Chairman, Interstate and Foreign Commerce Committee,
Rayburn Building, Washington, D.C.*

DEAR REPRESENTATIVE STAGGERS: Physicians for Automotive Safety wishes to express disappointment in the provision of the President's traffic safety legislation, especially as regards the regulation of the automotive manufacturers and the establishment of mandatory safety standards.

We ask that our views receive attention at your impending hearings. We would appreciate several copies of the proposed legislation.

Very truly yours,

SEYMOUR CHARLES, M.D., *President.*

POPULAR SCIENCE MONTHLY,
New York, N.Y., May 17, 1966.

CLERK OF THE COMMERCE COMMITTEE,
*House of Representatives,
Washington, D.C.*

DEAR SIR: We would be most grateful if the following could be entered in the record of your Committee's hearing as of May 4, 1966: Ernest V. Heyn, Associate Publisher and Editor-in-Chief of Popular Science, made the following comment:

"In connection with the statement by Ralph Nader entered today in the record of the House Commerce Committee hearings on car safety, Mr. Nader correctly quoted Hubert Luckett, Executive Editor of Popular Science, on the front bumper design of the Oldsmobile Toronado. Unfortunately, Mr. Nader excerpted one short statement from an article of several thousand words, covering a 10,000-mile test drive of the car. In substance, Mr. Luckett pronounced the Toronado one of the safest cars to have been engineered in years. His key sentence said, 'The ride and handling have to be experienced to be believed.'"

I would appreciate an acknowledgment of this request.

Sincerely,

ERNEST V. HEYN,
Associate Publisher and Editor-in-Chief.

AMERICAN RETAIL FEDERATION,
Washington, D.C., April 26, 1966.

HON. HARLEY O. STAGGERS,
*Chairman, Committee on Interstate and Foreign Commerce, Rayburn House
Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: In your Committee's deliberations on the Auto and Tire Safety bills (H.R. 13666 and S. 2669), the American Retail Federation should like to propose an important amendment to Section 8. This would require tire labeling to identify either the manufacturer or the seller.

Section 8 of H.R. 13666 and S. 2669 directs the Secretary to prescribe appropriate safety labeling for tires. This section specifically requires that such labeling shall include "suitable identification of the manufacturer * * *".

We urge that section 8 be amended to require identification of either the manufacturer or the seller. Such an amendment would preserve the business operations of approximately 120 distributors who sell tires under their own brand

names. The interests of these businesses can be guarded—without diminishing the protective measures of the legislation—by amending the second sentence of section 8 to require that the labeling "shall include suitable identification of the manufacturer, distributor or seller * * *".

There is ample precedent in public welfare regulatory status for requiring identification on labeling of either the manufacturer or the distributors. For example, the Federal Food, Drug and Cosmetic Act—a law most essential to the protection of public health and safety—provides with respect to foods, drugs and cosmetics, that the label must state "(1) the name and place of business of the manufacturer, packer, or distributor." Secs. 403(e) (1) ; 502(b) (1) ; 602(b) (1). See also the Federal Hazardous Substances Labeling Act.

The requested amendment to section 8 is of great importance to private brand sellers and should not be lightly considered because of its simplicity.

Often, a dealer will order tires to be manufactured in accordance with his own specifications. Accordingly, the private brand distributor does not always sell the same product that is associated with the name of the manufacturer. This could create troublesome problems. For example, if the dealer specifies higher quality than the manufacturer ordinarily makes under his own name, and charges a price which reflects the better quality, the customer may erroneously conclude that the private brand dealer charges more for the tire than a dealer who sells under the manufacturer's brand.

Furthermore, tires with identical specifications may be made by more than one manufacturer at the same time or by different manufacturers at different times. If manufacturers are identified in the labeling, the customer may be misled into the mistaken belief that the tires, with their differing identification names or marks, are not the same he is accustomed to purchase when in fact they are.

These situations are just selected illustrations of how the existing language of section 8 would create confusion and disrupt individual operations, as well as constitute a serious restraint upon free competition.

In addition, the private brand seller promotes sales under his own name and supports it with his personal reputation and warranties. If the manufacturer which has not made such efforts is identified in the labeling, the confidence and good will that the seller has established with his customers could be adversely affected.

The suggested amendment would in no way diminish the effectiveness or affect the purposes of the bill. Apparently, the reason for providing identification in the labeling is to facilitate enforcement of the Act by furnishing a ready means of tracing and identifying possible offenders. In view of the records and reports provision of section 12, the actual manufacturer could always be discovered. Neither this nor any other reasonable purpose would be hindered by the suggested amendment.

We respectfully request that this letter be made a part of the record of hearings. Thank you for your consideration.

Respectfully yours,

CALVIN K. SNYDER,
Executive Vice President.

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Washington, D.C., May 3, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This letter is on behalf of the American Trucking Associations, Inc., the national trade association representing all forms of motor carriers of property, both private and for-hire. We wish to take the opportunity, prior to the close of the hearings which you are conducting on H.R. 13228, the Traffic Safety Act of 1966, to express our deep and abiding interest in highway safety.

Vehicles and equipment safety standards for the vehicles which we operate are subject to Federal regulation under Part II of the Interstate Commerce Act. Legislation pending before the House and Senate Government Operations Committees, to create a cabinet-level Department of Transportation, would transfer the Interstate Commerce Commission safety functions to the Secretary of Transportation.

In line with these statutory proposals, we could see little that would change the status of Federal supervision of motor vehicle safety as it relates to our industry. For this reason, we did not seek time for any member of our staff, or any other representative of the motor-carrier industry, to speak for that industry before your Committee.

We are supporting the Department of Transportation legislation and the transfer of the safety jurisdiction from the several agencies, including the Interstate Commerce Commission, which it would accomplish. We feel that increased attention to the area of traffic safety is vitally necessary if substantial progress in reducing the accident and death toll is to be accomplished.

As we stated earlier, we did not appear through any lack of interest in the subject matter. Contrary to the impression that may have been left with some of the members of the Committee by virtue of some of the testimony it has received, our industry, since before the advent of Federal regulation, has vigorously pursued the goal of accident-free operations. We have engaged in numerous programs and projects on our own, in concert with other private groups and with government agencies over this entire period.

Aside from our interest in safe driving purely for its humanitarian value, there is probably no industry more acutely aware of the necessity to promote safe operations than is ours. This stems from the need to maintain the right to use public highways commensurate with our tax contributions to their construction and maintenance, together with the fact that expenditures which result in practical contributions to safety are offset by commensurate savings in operating costs. We are certain that your Committee understands our deep regard for the importance of safety and the vigor with which we have sought to improve the safety of operations of both our equipment and our drivers.

Very truly yours,

W. A. BRESNAHAN, *Managing Director.*

AMERICAN VETERANS COMMITTEE,
Washington, D.C., May 9, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. STAGGERS: I am sorry it was impossible for AVC to present its views on auto safety during your hearings. We would appreciate, however, your making this statement part of the record.

STATEMENT ON AUTO SAFETY

Some years ago, during my administration as its Chairman, our California State Council became interested in the automobile as a safety problem and I was directed by the State Convention to see what contribution we could make in the field. This then became a major concern of mine for some years until I left the state, and has been a matter of continuing interest ever since.

We considered the three major elements which make up the driving context—vehicle, road, driver—and decided to concentrate on the vehicle. Furthermore, we limited our interest to accident prevention, not to reduction of accident severity.

Now, we were satisfied that most accidents probably result from driver error. Although we were aware of the work of Alfred Mosley and others indicating that vehicle failure is a much more significant contributor to the accident rate than had been supposed, we felt, and still feel, that the driver is a major element in the accident picture.

However, in view of the hazards of road and vehicle, we want to pay our respects to "the nut that holds the wheel for doing as well as he does". We are aware of shortcomings in both roads and road markings, particularly in view of recent emphasis upon aesthetic considerations in signing. But, highway experts had begun talking about adequate signs, adequate distances between intersections, median barriers and so on. And, above all that, recent official pronouncements on the signs used our own Capital Beltway continue to support our position that much needs to be learned and much that is known needs to be applied in this area.

Furthermore, encouraged by the great attention being given to reducing injury when an accident does occur, we kept out of that area. Most of the GSA standards fall within it; of General Motors' two new features, half fall within it. We concentrated upon those design features of automobiles and trucks which themselves cause accidents. Apart from tires—a field in which we believed the basic information was even then already available, only implementation being needed—the bulk of the discussion of the vehicle itself had to do with the extent to which it causes injury or death to the occupant and, to a rather lesser extent, to the pedestrian. No one else was discussing the accident itself. Again, let me emphasize that we recognize the importance of the other elements but we felt, first, that we could not cover the entire range of problems, and, second, that this area was being badly neglected.

Thus, with high hopes we endorsed California participation in the Vehicle Equipment Safety Compact. You will recall that its advocates cited the amber signal light, an accident preventer, as one of the features so hard to have approved by the 50 legislatures. We urged that the highest state official concerned with vehicles, not simply the director of the motor vehicle department, be our state's representative on the Commission.

Unfortunately, recent evidence indicates that the Commission has not been doing what its supporters claimed it would do.

Recently we were again encouraged when the General Services Administration proposed its vehicle standards. We asked for a little more (which I shall mention shortly), but again I find that we received less. As a result of these and other setbacks, we support the proposal to create a federal agency, with Congressional oversight, which will deal with these problems. Let me indicate some of the things with which it might well be concerned in California, we had proposed to the Highway Patrol, the agency which maintains vehicle accident statistics, simple statistical investigation be made to determine the extent to which specific design features are in accidents. This is what we proposed:

That Highway Patrolmen and local policemen investigating accidents be given a simple checklist, with items selected on the basis of *apparent importance* (to be refined with experience), to be used on a sample basis to indicate design features actually *present* in an accident situation. This would indicate problem areas in need of further study, to find the specific kind of correction needed, not just to expand statistics. Among the things we would include in a first version of such a sample schedule (and there is now considerable evidence on the role of many of them) are these:

Vehicle color	Tail light arrangement
Brakes type	Steering type
Headlight type	Control switch arrangement
Outside mirrors	Windshield type
Glare-reflecting dashboard	Windshield wiper type

Cars involved in accidents would have been identified as to their part in the accident further to define the role of specific features.

There has been discussion about the accident-causing potential of the various makes of cars, but it has been pointed out that each make and model attracts "its own driver". This may well be true, but those drivers ought to know the hazards into which they are stepping when they make their purchases.

Furthermore, we think adequate statistical techniques *can* identify hazardous makes and models, even though changes from year to year may well cancel each other out in the long run. For example, if 1962 Dodge "compact" station wagons constitute 1% of all cars on the road, yet are involved in 2% of the accidents, we think something is wrong with that make and model. Every standard accident report form, and every insurance policy, includes this information; when an accident occurs, information should be collected and used nationally, so that samples are statistically valid. What our proposal called for was collection of more detailed information without reference to the label on the child of any manufacturer. If, for example, light blue is the color of 5% of the registered vehicles but of 10% of the vehicles involved in twilight accidents, that color is a problem. If cars with three taillights on each side are 20% of all vehicles but are involved in 30% of the nighttime rear-end collisions, we have a problem. Our proposal would bring out this information.

We came up with what I think is the still-novel notion that windshield and window distortion have a greater impact upon the driver of the following car than upon the occupants of the vehicle so equipped.

As we understand the Research function of the Secretary under the pending safety bills, it would include development of just such data where it does not already exist.

One official with whom I discussed vehicle safety about that time seemed to consider it a novel notion that taillight arrangement should reflect the needs of the driver in the following car rather than the price of the vehicle. Yet, every year brings a new spate of shapes and arrangements in which, or at least so it seems, all of the red lights go on and off together. For what purpose?

One of the points we had suggested to the GSA was shape-coding of control knobs, so that the driver could tell by feel whether he had the switch he wanted without taking his eyes off the road. GSA did not feel this step necessary. The Automobile Manufacturers Association told me informally that such standardization would interfere with styling.

Nevertheless, the Industry has standardized a great many features, such as spark plugs, battery voltage, foot pedal arrangement and, until very recently, track width. With the speeds and traffic concentrations already facing our drivers, it seems to me unconscionable that a manufacturer be permitted to require the driver to reach around behind the steering wheel for a control knob about which he is unable to tell by touch what it does and in which direction he must move it.

A second suggestion was that there be standardized intensities for rear red lights, some now seeming all too bright, others not bright enough. Automobile manufactures can cite numerous illustrations of safety hazards called to their attention and corrected. They generally are not honest with the purchaser about what they are doing and why, but these include the range from basic structural parts which the motorist normally never sees to projections which catch on the drivers clothing. However, we feel there are many more corrections which need to be made, including simplifying some of the heater-defroster-temperature-light control panels, standardizing on-off movements, standardizing tail-stop-turn signals and the like. This is an illustrative, not a comprehensive list; you have already heard testimony about a great many other details which are clearly hazardous. May I point out that we consider the manufacturer and the service mechanic as part of the automobile.

Furthermore, there is no excuse whatever for the mistakes and omissions of maintenance and repair with which the automobile owner must deal. We have advocated and could again support a system of mechanic licensing, probably in state control with federal standards until the states demonstrate they are unable to do their part. Then, specific legal liability could attach to the faulty job, "factory trained mechanics" would be trained, and people would be less eager to pose as mechanics. Contrary to a recent newspaper article on the uses of the "owner's manual" which comes with the new car, it should be the responsibility of the dealer to see that the purchaser knows what he has bought and how to use it.

An automobile might as well not be equipped with safety features which require some active intervention by the driver for operation if the driver does not know this. We specifically support the provision that a federal agency, adequately policed by Congress and the consumer, be directed to establish standards for vehicle basic design features and equipment and to implement these standards. We would like to see this power directed to self-powered farm machinery as well as to all highway vehicles. We feel the "new position" of the industry is weak with respect to the role to be played by the industry. AVC is quite agreeable to the Secretary's consulting any group he feels has something to contribute. We oppose holding up, by requirements written into the law, only industry groups as being worthy of consideration. The consumer must have no less standing; the auto service industry also has some experience which may be of value.

We specifically support Section 110 of HR 13228, giving the Secretary power physically to seize any vehicle or part which does not measure up to his duly established standards. This is a vital provision.

However, we feel there should be added, in two places, a prohibition against anyone's hiding behind the Secretary's research efforts. We would urge that section 104 be amended to prohibit keeping research findings secret. A similar prohibition needs to be added to Title III, where Section 307 states that such data *may* be made available to the public with certain safeguards. Contractors and grantees should not be allowed to hide findings made through the use of public funds.

In addition, we support the amendments introduced in the other body by Senators Ribicoff, Kennedy and Mondale relating to Notice of defects.

We think all of this is urgently needed, and we therefore support the strongest provisions of the several bills now before you.

Yours very truly,

BEN NEUFELD,
National Vice Chairman.

COMMITTEE FOR ETHICAL INSURANCE,
Berwyn, Pa., May 11, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We wish to enter the following into the record of your hearings on highway safety. In addition to being interested in preserving human life we are interested in reducing insurance premiums and establishing confidence in the insurance picture again. It so happens that automobile insurance is the most urgent, but not the only problem.

Of particular interest to the subject your Committee is studying, we wish to report that this Committee For Ethical Insurance, has taken note of and has inserted in testimony and in the press, the following things:

Item: Windshield wiper arms should be of a dull finish to avoid glare. We have painted our own black. Glare from metal adornments in front of the driver should be eliminated.

Item: Windshields themselves should be designed to eliminate glare. Sun-glasses should not be required.

Item: The cowl above the instrument panel now reflects into the windshield, forming a "ghost" which reduces visibility through the windshield by 50%. We have eliminated this by installing a piece of black wooly cloth—it allows full vision. We advised the car manufacturers about this—that was the end of it. This "ghost" should be permanently eliminated from the entire windshield so driver has full vision at any angle.

Item: The present sun visors are designed for eye appeal and not eye protection. You have to squirm and squint to avoid direct sun. The earlier rectangular shields were much more effective. The current models are difficult to manipulate in some cars, so are a definite hazard while driving—you can't always stop dead to adjust a visor which is non-responsive.

Item: Rear view mirrors, both inside and outside, are too difficult to focus. This holds true particularly of the outside kind. Change of drivers upsets prior settings—some mirrors require the use of a screwdriver to adjust. They are generally too small in area covered to allow a full view of the rear left "dead" area—which is the most important to have in full view.

Item: We think much can be accomplished in better road design, road shoulders, planning and construction of curves. Cartways should be wider, particularly on curves.

Item: Advertising signs should be limited as to size and attention distraction. Particularly gasoline companies should eliminate "animated" signs.

Item: Stop advertising the "get away quick" and "speed". Advertise "responsibility" and "safety practices" in automobile sales matter.

FRANK K. JONES, Chairman.

LIBERTY MUTUAL INSURANCE CO.,
Boston, Mass., April 28, 1966.

HON. HARLEY O. STAGGERS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STAGGERS: Your committee has addressed itself to the important problem of highway and automobile safety. As a major casualty insurance carrier, writing nearly \$168 million of passenger car insurance in the United States, we applaud your effort to seek improvement of driver protection and driver training.

We are enclosing an account of the hearing, held on April 5 by a committee of the Massachusetts Legislature, on Governor Volpe's highway safety proposal

(House Document No. 3131). As you will note the insurance industry gave united and firm support for the program. The Governor's proposals involved better highway design, better traffic control, improved driver education and competence, and safer equipment for automobiles.

Our research effort, beginning with the joint program with Cornell Aeronautical Laboratories some years ago, and continuing through the development of our Research Center at Hopkinton, Mass. and our newly created Automotive Safety Division, has pin-pointed the problems of necessary driver instruction improvement as well as automotive mechanical and design improvements.¹

The work of our Automotive Safety Division will involve constructing the third version of the Liberty Mutual "Survival Car" which will, drawing upon the lessons learned from years of work carried on by Liberty Mutual's Chief Engineer, Frank J. Crandell, embody our most up-to-date concepts as to what a safe automobile should be like.

Very truly yours,

DWIGHT M. MCCracken,
Vice President, Automotive Safety Division.

(NOTE.—The enclosures have been placed in the committee files.)

THE NEW ENGLAND COUNCIL,
Boston, Mass., May 20, 1966.

HON. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the New England Regional Traffic Safety Conference, we are submitting the attached resolution for your consideration in connection with the hearings before the House Committee on Interstate and Foreign Commerce on H.R. 13290, H.R. 13228 and related bills.

The New England Council is a private nonprofit organization with a broadly representative membership interested in the sound economic development of the New England region. The Council serves as Secretariat for the New England Regional Traffic Safety Conference which was established by the New England Governors' Conference in 1964.

The Council itself has long been interested in highway safety. It is imperative that improved ways are developed to stop the needless slaughter on our highways. Valuable suggestions have been brought before this Committee in an effort to strengthen existing safety programs.

The Council believes that the views expressed in the attached resolution, particularly its intent to encourage consultation with State and interstate agencies concerned with highway safety, are an important part of an effective highway safety program. In our opinion, when uniform national standards are established, consideration should be given to the efforts and the record of experience of the states in this area. For example, following the passage of the Beamer Resolution by Congress in 1958, which gave Congressional consent to interstate compacts in the field of highway safety, all of the New England states adopted the Vehicle Equipment Safety Compact. This resolution, in fact, resulted in most of the states adopting interstate compacts relating to highway safety.

The New England Council endorses legislation which will carry out the recommendations of the President's Committee on Traffic Safety. We urge that there be adequate funding to improve driver training programs and that there be sufficient matching funds to carry out vehicle inspection programs.

We appreciate your consideration of these comments.

Very truly yours,

GARDNER A. CAVERLY,
Executive Vice President.

RESOLUTION OF NEW ENGLAND REGIONAL TRAFFIC SAFETY CONFERENCE, RE
HIGHWAY SAFETY LEGISLATION, MAY 6, 1966

Whereas, the individual New England States have been in the forefront of the effort for safety on the streets and roadways since the early days of the automobile; and

Whereas, their regulatory efforts, encompassing all elements of the highway safety problem—drivers, vehicles, highways and law enforcement—have been

¹ Survival Car II—1960 booklet enclosed.

strongly supported by legislators, police, industry and safety organizations, both public and private; and

Whereas, such joint efforts have served as a major force resulting in a two-thirds reduction in the fatality rate per one hundred million miles during the past 25 years in the face of a constant rise in highway travel; and

Whereas, state administrators have sought to increase the effectiveness of their efforts on a nationwide basis by sharing individual knowledge and experience through the American Association of Motor Vehicle Administrators and the Vehicle Equipment Safety Commission; and

Whereas, continuation of this effective intrastate and interstate cooperation is seriously threatened by proposed Federal legislation which would exclude the states as participants in determination of motor vehicle standards;

Now, therefore, be it resolved, That the New England Regional Traffic Safety Conference of the six New England States, meeting in Boston on May 16, petition Congress to amend the proposed Traffic Safety Act of 1966 to provide that: the Secretary of Commerce shall consult with the states through interstate agencies such as the Vehicle Equipment Safety Commission in arriving at vehicle safety standards; funds to finance highway safety programs be administered by the governor of the state on the basis of a coordinated highway safety program involving all state agencies concerned with highway safety; the standards for the highway safety programs to be approved by the Secretary be in accordance with uniform standards developed by officials of the state departments concerned with highway safety.

SEARS, ROEBUCK & Co.,
Charleston, W. Va., May 6, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce, Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. STAGGERS: I have been advised of bill HR 13666 now before your committee, and would like to express my reaction to this measure.

First of all, I am in complete agreement with the intent of this bill. Tire safety measures, I am sure, will be supported by all retailers.

My purpose in writing is to seek your help regarding Section 8 of HR 13666. The wording of this section "suitable identification of the manufacturer . . ." would definitely hurt our sales performance and would also destroy the reputation and image we have built for many years for our private brand.

I believe the intent of this section was to provide identification to aid in enforcement of this act. This can be accomplished by amending Section 8 of HR 13666 to read "suitable identification of the manufacturer, distributor, or seller."

This is a very important matter to people like ourselves who are in the tire business under our own brand, and I know you will give it your full consideration.

Very truly yours,

J. J. O'BRIEN, Manager.

MAURICE A. GARBELL, INC.,
San Francisco, Calif., May 3, 1966.

HON. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of
Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: With reference to a recent communication by Congressman Yates to you and telephone conversations had by me with your Counsel, Mr. Dixon, and the Clerk of the Committee, Mr. Williamson, I should like to submit the following statement, with the request that it be included in the record of the current hearings of your committee, as though it had been presented orally before the committee.

Qualifications of writer

My name is Maurice Adolph Garbell, I am president of the aeronautical consulting firm of Maurice A. Garbell, Inc., of San Francisco, California; I also serve as president and director of research of the Garbell Research Foundation of San Francisco, California, a non-profit research organization engaged in aerospace research. Virtually, all of my research studies and all of my consultative

work deal with safety problems, and many of them with the stability and control of aircraft and other systems of masses.

I hold the degree of Doctor of Mechanical and Industrial Engineering obtained in Milan, Italy, following my completion of studies at the Institutes of Technology in Berlin, Germany, and Milan, Italy (1932-1938), and the prescribed engineering apprenticeship which I performed at the Auto-Union "Horch" experimental factory where I worked on the construction of the Porsche-designed 8-cyl rear-engine racing prototype. During my university years I designed numerous research sailplanes, developed power-driven launching and towing methods for sailplanes, and participated in the Olympic soaring demonstration of 1936.

During most of World War II, I served as Head of Aerodynamics Research, Stability and Control at Consolidated Vultee Aircraft Corporation in San Diego, California, where I designed the aerodynamic control system of the XB-36 and the exterior aerodynamic shape of the XB-46 and the Convair-Liner wings. The Garbell Stall-Safety Wing, invented by me in 1939, was employed on the Convair-Liner which has been termed "the most successful short-haul airplane of the post-war era"; my patented stall-safety wing continues to be employed on the most stable and best-handling turbojet transport aircraft produced since then by the American aircraft industry.

Since World War II I served the United States Government in various consultative capacities, and the Garbell Research Foundation has performed numerous research projects, both under its own sponsorship and the sponsorship of the Government of the United States, the results of which have been made public in reports published either by the Foundation or by the Government. One of the interesting development originated by the Foundation is the safe steep-climbout procedures for airliners which are now standard throughout the industry.

Virtually, all of my professional work in the aeronautical field is concerned with the stability and control of vehicles and other systems. I have likewise been concerned with and have studied profoundly the stability and control problems of automotive vehicles, both theoretically and through extensive road experience with many extremely unconventional automobiles, including numerous Porsche-designed and Porsche-inspired vehicles of the 1923-1966 era.

Need for Government regulations of automotive design criteria

I submit that regulation by the United States Government is indispensable at this time to ensure production of dynamically stable automobiles by the industry, that is, production of automobiles which do not exhibit directionally divergent tendencies within a range of speeds and accelerations attainable by normal American drivers on normal American roads.

Two spontaneous corrections by manufacturers

In the past, I have witnessed two examples of such vehicles in which the respective manufacturers, directly upon becoming aware of the undesirable directional divergence of each vehicle, discontinued its manufacture, namely:

(1) In 1932, Mr. Porsche's experimental Auto-Union 8-cyl. rear-engine vehicle exhibited a strong oversteering tendency, that is, in an accelerated turn (with a constant steering angle) it tended to tighten the turn at an increasing rate of yaw. Mr. Porsche altered the weight distribution on the next vehicle (the 16-cyl. Auto Union racing car) and reduced the oversteering tendency of the vehicle to the degree that expert drivers such as Rosemeyer, Nuvolari, and Varzi could cope with it.

(2) In 1937, Mercedes-Benz was producing a small series of rear-engine cars of the 170H type. In March 1937 I test-drove a car of that type with a Mercedes-Benz representative as a passenger and, with but little effort, managed to turn it tail-first on the broad lake boulevard in Geneva, Switzerland, after a relatively gentle zigzag steering motion initiated at 55 mph. I described my test in a printed published article in the March 1937 issue of the authoritative Italian magazine "Auto-Moto-Avio" and warned against the dangerous effects of such instability which might occur at any time in passing or through evasive maneuvers on the highway. Shortly thereafter, Mercedes-Benz records show, Mercedes-Benz abandoned manufacture of the rear-engine 170H and concentrated on the manufacture of the front-engine 170V, the forefather of all of the successful present-day Mercedes-Benz passenger cars.

Four-year failure to correct a defective design

More recently, however, I witnessed the harrowing four-year production of another vehicle, the General Motors Chevrolet Corvair, comprising the vehicles pertaining to the model years of 1960 through 1963. This vehicle apparently is a slightly scaled-up duplicate of the 1936/37 Mercedes-Benz 170H. Its dynamic instability characteristics and an evaluation of the General Motors evidence adduced in its defense have been described by me under oath in my testimony on August 2 and 3, 1965, which testimony is reported in Volumes XXXVII and XXXVIII of the Court Reporter's transcript in *DOREEN COLLINS, et al., vs. GENERAL MOTORS CORPORATION, a corporation, et al., Civil Action 149,317* in the Superior Court of the State of California, in and for the County of Santa Clara, which testimony I incorporate herein by reference.

Briefly, the following errors were committed in the design and manufacture of the Corvair vehicle, model years 1960 through 1963, which would have been unthinkable had government regulation existed, comparable, for example, to the regulations currently prevailing for the design and manufacture of civil aircraft.

1. The weight distribution and suspension kinematics of the Corvair design was substantially a duplicate of that of the Mercedes-Benz 170H, a vehicle publicly described as unstable and which was withdrawn by its maker in 1937.

2. Designers, research engineers, research contractors, and test engineers employed or otherwise engaged by General Motors had provided data and had warned and continued to warn the management against the inherent stability defect of the vehicle and had provided sufficient background information to reveal that, once the dynamic instability effect had developed fully, a driver could not possibly restore control over the vehicle.

3. Prior to the production of the first production-type Corvair, Mercedes-Benz had developed an important and simple improvement in the rear suspension of its production-type Model 220S sedan which, if applied to the Corvair, could have at least alleviated the catastrophic consequences of the dynamic-instability effect in a 1960-1963 Corvair; this improvement was publicly reported and pictorially portrayed in at least one printed publication published in the United States of America and universally distributed and read throughout the automobile industry.

4. Apparently, the non-engineering management of the manufacturer continued to produce the vehicle substantially unchanged in form for four model years, not heeding the advice of its own engineers and others. In defense of the Corvair vehicle, evidence such as, for example, a color moving picture (viewed and scrutinized by me frame by frame) was prepared *a posteriori*, showing a Corvair and a Ford Falcon passing through a "slalom"-type zigzag course, and in which a speedometer reading taken prior to entry into the slalom course implied that the Falcon exceeded its maximum speed at which it could complete the given slalom course at 37 mph, whereas the Corvair completed the slalom course successfully after entering the speed-measuring gate at the beginning of the course at 41 mph. In the movie strip taken inside the vehicle the following three unequivocal occurrences are clearly visible in the picture frames interceding between the entrance gate and the first slalom turn:

- (a) The driver's foot shifts from the accelerator to the brake and depresses the brake.

- (b) The seat-back of the unoccupied right-hand passenger front seat collapses forward.

- (c) The speedometer needle recedes rapidly from a reading of 41 mph at the gate to 21 and then 19 mph at the first turn and remains there until after slalom course is completed and the vehicle returns to straight-line motion.

A practicable and fair Government setup for automotive safety regulation

Establishment and enforcement by the U.S. Government of certain basic safety criteria for automotive vehicles—a function entirely distinct and apart from the formulation of designs capable of achieving these criteria—is a function which, in my opinion, the United States Government can and must undertake. That it can be done has been proved with respect to aerial and maritime vehicles; the automotive industry, through its numerous aeronautical and maritime activities, is well acquainted with the scope and operation of regulatory boards and en-

forcing agencies in these fields; at no time has the industry ever objected to such functions of the government or shown good cause that such functions should be discontinued.

My broad experience in the preparation and making of, and compliance with Federal aeronautical regulations indicates that for a regulatory structure to be most effective, each of the following elements is required:

1. A quasi-judicial Board (substantially comparable to the present Civil Aeronautics Board) which establishes fundamental criteria, holds investigations, and serves as an appeal board for complaints and disagreements of a fundamental nature.

2. An Agency—substantially similar to the present Federal Aviation Agency (FAA)—which makes rules, establishes engineering requirements, performs tests, and enforces its rules and requirements by major acts of inspection, to attain fulfillment of the criteria established by the Board and by the Agency satisfactorily.

3. A corps of government-certificated industry employees who perform all minor acts of inspection with full responsibility to the United States Government for adherence to the rules established by the Board and the Agency. The criteria of the Board and the rules and regulations of the Agency should be established following circularization of the industry with invitations to each company and all other interested parties to participate in the rule-making by written comments and by oral presentations and discussion at an established "Informal Hearing" prior to the promulgation of any said criteria and rules and regulations.

The current modus operandi of the Civil Aeronautics Board and of the FAA offer ample precedent and guidance toward the establishment of workable relationships between the U.S. Government, the industry, and the States, and all other interested parties.

A major benefit of the proposed regulatory system, which current aeronautical experience teaches, will be derived by the public through an enhancement of the decision-making weight of the engineering specialists within the industry, as compared with the past and current preponderance of sale-promotion, "Gimmickry", and "styling" executives who determine vehicle configurations over the protests of engineers who know better and are silenced.

Contact between the proposed automotive U.S. Government regulatory agencies and the industries will inescapably lead to a *direct* discourse between able engineers, an interchange which I am absolutely convinced is indispensable to the development of safe automotive vehicles.

I declare that the foregoing statements, to the best of my knowledge, are true; that I am prepared to produce documentary evidence substantiating and amplifying my statements; and that I have not at any time had and do not have any financial interest in the subject matter discussed herein by me, or any financial interest in the outcome of any litigation relating to the subject matter set forth herein that may have occurred in the past and that may be pending or in preparation at this time.

Respectfully submitted.

MAURICE A. GARBELL, *President.*

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,

Washington, D.C., April 4, 1966.

HON. HARLEY STAGGERS,

Chairman, House Interstate and Foreign Commerce Committee, House Office Building, Washington, D.C.

MY DEAR CONGRESSMAN STAGGERS: It is reported that your Committee will hold hearings shortly on the recent tire safety bill passed by the Senate.

To assist you and your Committee in this important undertaking, I thought you would be interested in the letter that I directed to the Better Business Bureau in Minnesota as per the attached. So that you will know of my background in the rubber tire industry and my actions over the many years in tire dealer's activities as their accredited spokesman at least 3 times, I am enclosing background material that you may want to review. You will find in your State of West Virginia, in independent tire dealer ranks, my activities in their behalf during my tenure in tire retailing. They well know of my efforts in their behalf to bring about fair competition.

I do believe that the Tire Advertising and Labeling Guides Report released by the Federal Trade Commission of March 10, 1966, brings out some important recommendations of the Federal Trade Commission that would be keeping within automobile tire safety.

Merely as information for the Members of your Committee, many of whom I am acquainted with, I believe it would be most important that this communication be made a part of the hearings, when held.

With regards and thanking you in advance.

Sincerely,

GEORGE J. BURGER, *Vice President.*

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, D.C., April 4, 1966.

GENERAL MANAGER, BETTER BUSINESS BUREAU,
Minneapolis, Minn.

DEAR SIR: One of your members in Minnesota, a very outstanding merchant, sent me a tear sheet from your March 1966 Bulletin No. 253 and marked the attached for my attention with the comment "Thought you would be interested in this article. I wonder if this matter will ever be corrected?" Your report on the action of the factors in the tire industry as to their lack of action, is no real surprise to the writer with over half a century background as an independent in the rubber tire industry. Every so often I was selected as their national spokesman on the problems the independents faced, originating from the malpractices instituted by many tire producers. The attached will give you the writer's background though I speak with some true knowledge.

If you have the Congressional Record of March 29, be sure that you note pages 6563-74-83-85.

I hope I am wrong but if Commerce has anything to do with the preparations, it doesn't look very bright.

Well do I recall in 1936 or there about, in my official position with the Tire Dealers Association—how I arranged for a conference to be held under the sponsorship of the Federal Trade Commission, attempting to bring about ethics within that industry. The Chairman presiding at that time was Commissioner Robert Freer, who publicly stated that he was amazed at the lack of cooperation by the rubber manufacturers to participate in that conference in June 1936 at the Sherman Hotel in Chicago. Then a few years later, the Bureau of Standards was willing to hold a conference to place a code of ethics on quality, etc., in the rubber tire industry. They were willing to move if the tire producers had shown any cooperation. They closed the door because of no cooperation.

I am amazed that the dealers who attended that conference did not come out and lay the facts on the line as I am not unknown to many of them in the State of Minnesota. Are they afraid to talk because they will antagonize their supplier or does the supplier hold a whip hand over them?

In my official capacity also, I held many conferences at that time with the Better Business Bureau in Columbus, Ohio, and also New York City and exposed that infamous 50 OFF deal in 1939, instituted by certain major tire manufacturers.

Finally, your bulletin will be put to productive use here in Washington—that I assure you. You are privileged to use any part of this letter.

You are to be complimented for the action taken.

Sincerely,

GEORGE J. BURGER, *Vice President.*

[From BBB Members Bulletin, March 1966]

ADVERTISED TIRE BARGAINS

The Bureau is becoming increasingly concerned with misleading and deceptive tire advertisements over television, radio, and in the newspapers. These ads include combination offers of tires at "half price" and "free."

Last August, after several weeks of intensive investigation, a BBB "Alert" was sent to all major tire dealers and distributors setting forth the Bureau's position. Savings claims and discount offers have the capacity to mislead if the price of the first tire in the combination offer is not the usual customary price at which it is sold.

Eventually a general meeting of major tire advertisers was called by Bureau President F. Wayne Packard in November and there was general agreement that a set of self regulatory trade practice standards for advertising and selling tires should be created and adopted.

A code-drafting committee was appointed and, after several meetings, a code was recommended at another general meeting.

All local dealers who attended subscribed to the code. However, representatives of several of the major national tire manufacturers declined to subscribe. One said his company's attorneys had reviewed their ads and saw nothing wrong with them. Others stated they were in agreement with the code, but had orders not to sign them since their ads were distributed throughout the country from their home office. Therefore they could not tie themselves down to a code in one single metropolitan area.

Nevertheless, the Bureau is currently using the Code as a guide in its attempts to obtain voluntary corrections in ads that need to be corrected because it represents the feelings of the majority of Twin City tire retailers who attended the Bureau's meeting.

Unfortunately, as we go to press the tire ad situation is not improving.

MID-TOWN GULF SERVICE,
Montgomery, Ala., May 9, 1966.

HOUSE COMMERCE COMMITTEE FOR AUTOMOBILE SAFETY,
U.S. Congress,
Washington, D.C.

GENTLEMEN: May I suggest to you one safety item which will cost very little but yet will eliminate thousands of burns each year not only for unsuspecting motorists but also for literally hundreds of thousands of service station employees.

The item to which I refer is a radiator cap with a safety relief valve. These caps are now available at most automobile accessory stores but *are not original equipment*. They cost approximately 20% more than the regular radiator cap but, with the purchasing power of automobile manufacturers, this should add not more than ten cents to the cost of an automobile.

The tremendous pressure which builds up within high compression engines even under ordinary driving conditions makes removal of a radiator cap a hazardous undertaking.

This may appear to be a trivial and insignificant item but let me hasten to assure you that it will be a welcome relief to those, like myself, who are confronted with it many times each day.

Very truly yours,

TOM BRASSELL, Owner.

CAMBRIDGE, MASS., February 27, 1966.

HON. THOMAS P. O'NEILL,
Congressman from Massachusetts,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN O'NEILL: I am very pleased to learn that the President is about to send Congress a message calling for legislation in the field of traffic safety. I would urge you to do your utmost to see that a bill with "teeth" in it is passed, particularly with regard to the safety standards of the automobiles themselves. The disregard for human safety in the design and construction of motor vehicles is shocking and is not tolerated in any other form of transportation. The manufacturers with their eyes only on increased profits have clearly demonstrated their inability to maintain safety standards.

No doubt you are a very busy man, but if you can possibly find the time to do so, I would urge you to read Ralph Nader's *Unsafe at Any Speed*, before any bills are considered by the House. I have personal experience with one of the situations he describes. I bought a new '65 Plymouth in Sept. '65 and in mid-Jan. '66 received a note from the Chrysler Corporation asking me to take my car to the dealer at my convenience to correct a flaw in the steering mechanism that was present in cars of the type I bought. As I was rather busy, I didn't get around to taking it in until, two or three weeks later, the dealer called and urged me to bring it in right away. Later I learned that two pieces of the steering mechanism had been only spot-welded and somehow the main welding job had not been done! How many people were killed because they didn't respond

quickly to the company's innocuous letter? Why didn't they send me a telegram or phone me as soon as they knew about the defect? This is a flagrant violation of their responsibility to the public generally and their customers in particular! Mr. Nader mentions many other similar situations.

Whenever traffic safety is discussed in the Congress or in state legislatures, the automobile companies attempt to divert attention away from their products and toward the need for better highways and drivers. The latter, particularly, needs some attention, but so do the cars themselves. I know that it is difficult to pass stringent laws regulating the largest industry in the nation. No doubt their powerful lobby (along with their friends from oil, rubber, and steel) exerts great pressure. But I hope you will hold out for us, the public, who have no lobby.

I would urge that—

(1) A federal regulatory agency (similar to FCC or FAA) be established with the same kind of enforcement power that allows FAA to "ground" defective planes.

(2) The agency be kept out of the Commerce Department's sphere of influence (I might suggest HUD since automobiles are such a major source of cities' problems).

(3) Ex-officials and "safety experts" from automobile companies and their "front" groups, such as the National Safety Council, be specifically barred from the agency's board.

(4) Funds for safety research and testing be made available to the agency or some other public organization.

(5) Contributions, either financial or material (e.g., cars for tests) may not be made to the research group.

(6) Data from tests by such a group must be available to the public and that information be given on the specific makes and models of the cars in which serious defects are found.

Note, regarding (5) and (6), that the Cornell Automotive Crash Injury Research Group, for example, might be capable of the kind of research needed if it were kept completely out of Detroit's hands.

Furthermore, as a scientist, I believe that automobiles are a poor solution to our transportation problems, particularly in urban areas. Just from the viewpoint of air pollution, the situation is rapidly becoming intolerable. In Cambridge specifically, I feel that the building of the Inner Belt is a waste of effort and resources. It is at best a temporary solution and, regardless of its location, will wipe out peoples' homes, jobs, or schools. I feel the money could be put to much better use by development of improved rapid transit for the Boston area.

Sorry to have written such a long letter. Thank you for your patience.

Sincerely,

GLEN E. GORDON,

Assoc. Professor of Chemistry, Massachusetts Institute of Technology.

FORT WALTON BEACH, FLA., April 18, 1966.

Hon. BOB SIKES,
Washington, D.C.

DEAR BOB: The recent publicity about auto safety and the Congressional activity on the Proposed Traffic Safety Act of 1966 reminded me of an idea of mine pertinent to auto safety.

The idea is to make it mandatory for all passenger vehicles to have a warning beacon or flashing light affixed to the hood of the vehicle. In case of an emergency the hood would be raised and the light made to give a warning which would be clearly visible from every direction. The attached sketch shows such a light permanently fastened to the auto hood, however, a portable unit with suitable clamp or magnetic fastener could be provided for old cars or where it did not blend in with the auto design.

I have made a sketch of my idea which I am submitting to you for forwarding to the appropriate Legislative committee. I feel my idea is as important as seat belts and should be part of a Federal proposal or law which the manufacturers and all states should comply with at some later date.

Thank you very much for anything you can do in this effort and I remain

Sincerely,

KENNETH L. HUNTLEY.

FIG. 1 IN NONOPERATIVE POSITION BEACON IS AN ORNAMENT ON THE HOOD

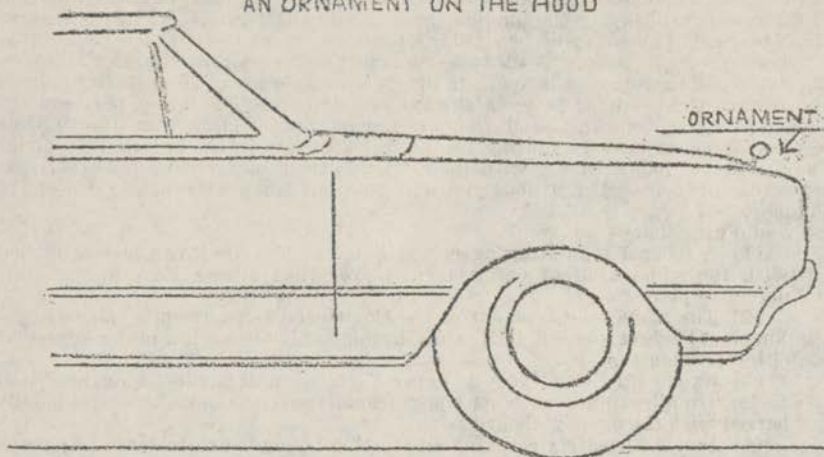
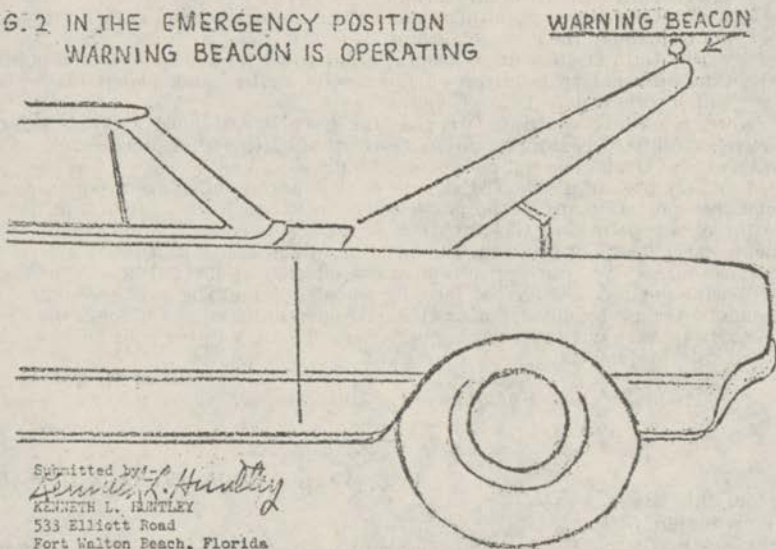


FIG. 2 IN THE EMERGENCY POSITION WARNING BEACON IS OPERATING



Submitted by—*L. Huntley*
KENNETH L. HUNTLEY
533 Elliott Road
Fort Walton Beach, Florida

HARLINGEN, TEX., May 17, 1966.

Hon. HARLEY O. STAGGERS,
Chairman, Commerce Committee,
House of Representatives, Washington, D.C.

MY DEAR MR. STAGGERS: Your Committee will soon begin to draft legislation concerning automobile safety.

You might want to consider the following two items that I have not seen mentioned recently.

1. *Avoidance of glare within the visual field of the driver.* I know of no statistics which would tell us how many accidents are caused from visual impairment due to glare. That undimmed headlights in an oncoming car impair vision is generally known. Several makes of cars have light-sensitive switches which automatically dim your lights when you meet another car. If all cars were equipped with such switches, blinding from headlights would be eliminated.

True, such switches are somewhat expensive, but they are cheaper than human lives. If all makes were forced to install such switches, no single maker would be at a competitive disadvantage. At one time there was also much talk about eliminating the hazard of bright headlights by using polarizing lenses and special windshields. This may be another approach worthy of further study.

Besides headlights, there is another glare hazard: highly polished, glaring chromium-plated objects within the driver's visual field are a real danger. We should have a law stating that no object within the driver's visual field, from dashboard to the front end of the hood, must be bright and reflecting in sunlight. There are still enough disturbing reflections, such as the rear window of the car ahead, but that is a hazard which we will have to accept. Glare from chromium-plated windshield wipers upon which the sun shines so that the driver is blinded not only impairs his vision, but also annoys him: He will be annoyed by the stupidity of the manufacturer who installed reflecting windshield wipers and by his own stupidity as he did not do anything about it in time. Annoyance sets the stage for emotional upset and renders the driver more accident-prone. Again, if all makers of cars were compelled to sacrifice a little "beauty" for safety, none of them would have a competitive advantage as the public would have no choice.

2. Another common malfunction is bound to be the cause of accidents and again I have no statistical evidence that this is so. All cars nowadays have *electric turn indicators*. Normally they are self-canceling. Often they fail to cancel, for instance, if the driver used the turn indicator to indicate he wanted to change lanes; then the turn angle is not enough to cancel the flashing light and if the driver is not alert, he keeps on going mile after mile with the blinker blithely blinking and suggesting he is about to make a turn, while in fact he does not intend to do so at all. This is bound to lead to accidents. I propose a law which forces all manufacturers to modify the turn indicator so that they are self-canceling, *irrespective of the course of the car, after a given time, say, a minute or two*. This is enough time to indicate the driver's intentions, and will cancel the signal without fail.

I furthermore propose that Congress urge the Departments of Public Safety of those states that have compulsory vehicle inspection that no inspection sticker be issued unless this time-controlled canceling mechanism of the turn indicator works properly.

Sincerely yours,

HEINRICH LAMM, M.D.

WEST BEND, WIS., May 10, 1966.

HON. JOHN RACE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RACE: I have been reading about the current congressional investigation regarding automobile safety, but it wasn't until last Saturday evening that it really hit home. The son of one of the men who works with me was playing in the back seat of the family station wagon while an older child was in the front seat. The little two year old boy put his head out of the back window and at the same time the older child in the front seat pushed the button that operates the back window. The window of course, came up and in so doing choked the little boy to death. I am writing this letter after returning home from the funeral home. Seeing that little boy lying in his coffin was without a doubt the most sorrowful scene I have ever witnessed.

From the news media, I gather that the current investigation is primarily concerned with moving vehicle safety. However, I wonder if something couldn't be done about these electrical operated rear windows. My suggestions would be that the window could only be operated from the inside if the ignition key is turned on, or a small safety slip clutch be incorporated in the operating mechanism of these windows that would cause it to release if something were in its way.

I realize that nothing can be done to bring this little boy back to life but I hope that we can spare other children and parents this horrible fate. If this can be accomplished, then perhaps this little boy will not have died entirely in vain.

Sincerely yours,

LARRY LANG.

WORCESTER, MASS., April 28, 1966.

CHAIRMAN, COMMERCE COMMITTEE,
House of Representatives,
Washington, D.C.

SIR: One thing I would like to have your Committee consider in that of standardizing the location of stop and go signal lights. As you know, some are located on poles on the right side of streets and are often hidden by trees or lost in a background of neon lights; while others hang suspended on wires over street intersections.

In Raleigh you will actually see both types in use on one street and I am sure this situation also exists in other cities and towns. After driving along a street with the overhead type and suddenly coming upon those on right side of the street, I actually have missed seeing those on the side and escaped accident only by the grace of God. I feel that standardizing these lights and preventing background color and lights will help reduce accidents, don't you agree?

CECIL C. LLOYD.

COCONUT GROVE, MIAMI, FLA., May 13, 1966.

HON. HARLEY STAGGERS,
Chairman, House Commerce Committee,
House of Representatives, Washington, D.C.

DEAR SIR: If you are looking for physical evidence of the need for the policing and regulation of the Automobile Manufacturing Industry, I will be pleased to ship to you, at my expense, parts of the left front wheel suspension which bear mute evidence of sloppy work in manufacture and inadequate inspection.

I walked away from the thing when my left wheel collapsed.

No thanks to American Motors. It could easily have been a fatal accident.

I am irate and incensed that these manufacturers accepted such a grossly misfitted part from a sub-contractor, or did such a sloppy job themselves in machining screw-threads which slip apart by hand pressure. Responsibility is theirs.

Aside from my person feelings, there are the steel parts which bear mute testimony as to the negligence of persons unknown to me. But I paid American Motors for a car which I took to be perfectly safe with proper driving. And I got a wheel-suspension which held for some time, by the grace of God Almighty, and not due to the care and foresight of the Engineering Staff of American Motors.

I shall be pleased to ship these parts by Air Express should these be useful in any hearing you may be holding. This will be a pleasure! And the parts will tell a story which I could not tell in anything like an unbiased manner.

In addition, should a statement of the incident in which I nearly lost my life, and in which I sustained a repair bill which is a sizeable percent of the book value of this Rambler American automobile, I will be pleased to make such a statement, have it notarized, and air-mail it to you. It will be restricted to facts without personal opinion, and difficult as it will be for me, there will be no profanity. Please feel free to inform me of anything in which I can be helpful, consistent with the limits of the exact truth.

THOMAS K. MACDONELL,
Instructor, Hialeah High School, Hialeah, Fla.

MOBILE, ALA., March 14, 1966.

Subject: Traffic Safety Act of 1966, National Traffic Safety Agency, automobile safety, Safety standards for auto tires.

HON. STAGGERS,
Congressman, West Virginia,
House of Representatives,
Washington, D.C.

DEAR SIR: You are to be congratulated for sponsoring a bill to the United States Congress for the investigation on Automobile Safety and Safety Standards for Automobile Tires. If the results are as I think they will be, this investigation will be as important to the safety of the American people as the investigation that resulted in the formation of the Food and Drug Administration. It is my firm belief and experience that defective tires, inadequate installation of tires and the servicing of tires are responsible for thousands of accidents in 1965 which caused the loss of life for 50,000 citizens, 450,00 injuries and millions of dollars in property damage. It is unbelievable that in the armed forces the United

States government has strict specifications and strict regulations on the servicing on all trucks, airplanes, etc. and yet subjects its citizens' cars to no regulations, no specifications and no requirements by the manufacturer of tires, retailer of tires and the servicer of tires. If this investigation is not influenced by the lobbyist of guilty parties, the law makers of the United States will, I believe, form an Administration as important as the Food and Drug Administration.

I have proof of the following statements that I am going to make and my records are at your disposal at any time.

The manufacturers of tires are placing on the market, whether by mistake or not, defective tires that are being passed on to the purchaser by the retailers of tires. Most of them cannot be balanced on the wheels which places the car in danger of a sudden blow out of the tire causing a wreck and possible loss of life, injury and property damage.

Automobile manufacturers are installing tires (possible defective tires) that do not meet specifications and are not adequate to meet weight of car and use of car.

Cars are being delivered to retailers with wheels unbalanced and wheels out of alignment.

Tire retailers are replacing old tires with new tires that are defective and charging the purchaser for balancing the wheels and delivering the car with unbalanced wheels.

Service stations are, all over the United States, giving automobiles inadequate service due to improper equipment and incompetent labor.

Tires are being over inflated which causes danger of tires blowing out especially in the hot summer months. There are not sufficient regulations for the calibration of pressure gauges to eliminate over pressure. The turn over of employment in service stations throughout the country is great caused by low salaries which explains the reason that attendants are incompetent.

As you notice I have dwelled altogether on tires which I believe will be the most important part of your investigation to find ways of eliminating the slaughter on the highways of the United States. An unbalanced tire or a defective will, after a short time, cause a soft spot on the heavy side that will eventually wear and cause a sudden failure of the tire. Another hazard would be the over inflation of the unbalanced tire causing a sudden failure. The squeezing of an unbalanced tire on a sharp curve will cause a sudden failure. I will leave it to your own imagination the tragic results that these failures can bring about.

The proof that I have of the above statements are as follows:

I purchased a brand new 1962 Ford Fairlane 500 and a new 1963 Ford Falcon. I requested at the time of purchase that the wheels were to be balanced and the front wheels to be aligned. The cars were delivered to me with unbalanced wheels and the front wheels out of line.

I purchased a new set of tires from Sears-Roebuck & Co. for my 1957 Dodge. They installed the tires and charged me for balancing the wheels. I went directly to the Master Balancing Co. and had my front wheels placed in alignment. The Master Alignment Co. found my tires inflated to pressures varying from 33 lbs. to 44 lbs. After finding this discrepancy I had them check the balancing of the wheels and found them all unbalanced (and one wheel with a defective tire) I called Mr. de Ovies, manager of Sears-Roebuck and reported to him what I had found. He sent two tire specialist and the wheels were checked again. They reported to Mr. de Ovies saying there was nothing wrong with the wheels or tires. I did not hear from Mr. de Ovies so I called him. He advised me what the inspectors had reported and I insisted on him checking it further. He mentioned that the Master Alignment Co. could be wrong so I recommended that we have some other reliable company check them. He made an appointment with Lord Tire Co. and we had them checked again. They reported the same conditions as the Master Alignment Co. They refused to give a written report as they did not want to get involved. Mr. de Ovies admitted verbally that the tires and wheels were as the Master Alignment Co. reported. I delivered the car to the Sears-Roebuck tire department. I bought a new tire to replace the defective one and the special tire inspector balanced the wheels. I held the defective tire until the settlement was made for my trouble and turned it over to them.

On Nov. 22, 1965 my brother S. E. Molpus purchased a set of tires for his Rambler from Sears-Roebuck without my knowledge. They charged him for the tires and the balancing of the wheels. Due to my previous experience with

this company, my brother gave me the authority to have the tires checked. I delivered the car to Master Alignment Co. and they checked and found the wheels out of balance. I notified Mr. de Ovies of the circumstances. He made an appointment with Grady Buick Co. to check the wheels. Their balancing mechanic verbally admitted in the presence of Mr. de Ovies and myself that the wheels were unbalanced and that the right front and left front tires may be defective. They refused to give a written report due to the fact that they did not want to get involved. Mr. de Ovies admitted that this was their reason. Mr. de Ovies then made an appointment with Cain Wheel and Alignment Co. to inspect the wheels and tires and give a written report. They found three of the wheels unbalanced and did not give the original written report in regards to the condition of the tires as they admitted they did not specialize in tire inspection. Mr. de Ovies was not present at this inspection so I requested and received from Cain Co. a copy of the report. I later received another copy from Sears-Roebuck with revisions made by Cain Co. at the request of Mr. de Ovies. I refused to accept the inspection due to the equipment used and the procedure taken by the inspector and the fraudulent changes in the inspection report. Mr. de Ovies requested a specialized tire man from his Atlanta office, Mr. John W. Cleary, to come to Mobile and arrange for the official inspection of the tires. He arranged with the Shoemaker Alignment Co. and in the presence of Mr. de Ovies they checked the two front wheels. We made an appointment for the next day to check the back wheels. The Shoemaker Co. admitted that they did not have the equipment and did not specialize in the inspection of tires. Mr. Cleary and I reported the next morning for the back wheel inspection. Mr. de Ovies was not present and I refused the inspection until he was available. I heard nothing from Sears-Roebuck for five days at which time I received a report on the two front wheels which was completely contrary to the inspections by the other three companies. I called Mr. de Ovies and advised him of the situation and said that I refused to accept it as a final inspection due to the procedure made and knowledge of the tire inspection admitted. At the present date of March 14, 1966 three months after purchasing the tires, I have received no satisfaction from Sears-Roebuck. Mr. de Ovies admits that the wheels were out of line but has not proven that the tires are in salable condition.

On Dec. 20, 1965 my battery went dead at 9 o'clock at night. My brother brought a jumper cable and started my car and I drove home and parked the car. The next morning I called different battery companies in regards to prices of new batteries. Sears-Roebuck gave me the best quotation so I drove to their battery department to have my battery checked. Mr. Richard Richardson removed the battery from my car to a battery testing bench, tested and reported that #1 and #2 cells were bad and that I needed a new battery. I requested that he check it again to be sure and he reported the same results. I proceeded to talk to him in regards to a new battery. Then a Mr. Melvin Hallford rushed over from the office and checked the battery. He said that he found the battery O.K. but needed recharging. I asked him to recharge it for me but was advised by him that Sears-Roebuck did not charge batteries. The battery was strong enough to start my car so I drove to a B. F. Goodrich Co. on Springhill Ave. They checked the battery to be O.K. but needed a charge. They charged the battery and as of to-day March 14, 1966 the battery has proven perfect and should last a number of months. I do not know how many batteries are sold by misrepresentation, by faulty equipment of irresponsible personnel but there should be some regulation to protect car owners from this type of treatment.

After reading of my experience you may think that I have a grudge of some kind against Sears-Roebuck. This is far from being the truth even tho they can be considered the strongest example due to the fact that they are considered one of the largest distributors of tires in this world. It just happens that my experience with them and other tire balancing and alignment companies came after your bill before Congress was publicized. If I had proof of the experience I have had from the time I started driving a car to the publication of your intent, I would have to write a book larger than an average novel. The automobile insurance companies of America could also write you an enlightening report on their knowledge of automobile tires and their importance to the safety of the automobile users of the United States.

I am glad to have the opportunity to give you this knowledge I have and hope that it will be helpful in the investigation. I hope you will be successful in bringing about an administration or a bureau to protect the American motorist.

Sincerely,

C. E. MOLPUS.

St. Louis, Mo., April 15, 1966.

Re tire safety bill, S. 2669.

HON. OREN HARRIS,

Chairman, House Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. HARRIS: The writer is responsible to his employer for 41 counties of school districts, as well as some 160 Catholic and Lutheran parochial schools. There are 376 school districts in my 41 counties.

I cannot find anyone who is not in favor of some sort of law that will make it a simple process to determine just what sort of an automobile tire you are acquiring in the open market for an automobile or school bus.

Mr. Homer Fulbright who lives at 712 Spring Street in Searcy, Arkansas covers the whole state of Arkansas for our company. He told me at a recent meeting of our company that we wouldn't have to worry when this bill got into your committee . . . that you would take care of all of the school administrators charged with the safe transportation of our school students who ride buses. And he said you were a friend of little people like the writer who may be proficient in other fields but are helpless in choosing a safe auto tire.

This letter comes to you with great respect and the sincere request that you please do everything in your power to see to it that this bill will get your early attention and support.

I am driving a 1965 station wagon. Samples of maps and globes are not heavy materials. But I experienced two blowouts on this car before I had gone 6000 miles. Fortunately, both times they were on the rear wheels.

Respectfully,

JOHN J. TONNSEN, Sr.

ROXBORO, N.C., April 28, 1966.

CHAIRMAN OF THE HOUSE COMMERCE COMMITTEE,
U.S. Congress, Washington D.C.

DEAR MR. CHAIRMAN: We the people of the United States certainly welcome the legislation proposed for automobile safety, which is long overdue.

I wish to add to the list which I hear mentioned frequently one item which seems to be very little discussed and which is vitally important. This item involves the front end alignment of automobiles. The present construction of automobile alignment is so frail that almost any kind of an ordinary bump or lick would knock the automobile out of line. This causes tires to wear out on the edge and often can cause serious trouble before the owner knows about it. The older cars formerly built usually were well lined up and gave no trouble of note. It is the modern built cars that are put out like this.

There is absolutely no excuse for this danger which is a serious one and an expensive one. It probably would not cost the automobile manufacturers any more to do a good job unless they are playing into the hands of the rubber companies.

Thanking you.

Very truly yours,

T. JULE WARREN.

CORONADO, CALIF., May 6, 1966.

HON. HARLEY O. STAGGERS,

Chairman, House Commerce Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN STAGGERS: According to this morning's press reports, the House Commerce Committee of which you are Chairman is researching *safety of motor vehicles*. Among several things that I have noted in driving since 1910 a few stand out as badly neglected and so far as I have observed are not being studied now.

(1) I drive a great deal with my wife beside me as a passenger. We both use safety belts; have for some ten years. But recently I asked her what she would do if I were to black out suddenly, perhaps die, which at 73 years of age would not surprise anybody. Her reply was, "What could I do?" I have two cars, a 1954 Ford Sedan and a 1963 International Travelall, a station wagon. On each the ignition switch is on my left; she could not possibly reach it.

(2) Each car has manual choke. I told her that in emergency to pull the choke, which is centrally located on the instrument panel, which would kill the

engine. A poor substitute for a centrally located ignition switch which would be both more positive and rapid in action. Many cars do not have a manual choke so a passenger could not stop a car without unfastening his safety belt, a particularly dangerous procedure at such a time, and reaching clear over the driver to the switch. In elapsed time tragedy could well occur.

(3) In each car the parking or emergency brake is on the left side of the driver. In the Ford it is a hand-brake, in the Travelall it is foot applied. Neither could be reached by the passenger, especially in the latter. In cars with automatic or overdrive transmissions compression has little braking effect as contrasted to cars with manual "stick-shift", so upon elimination of driver control from any cause, such cars would be a long time stopping simply from lack of engine propulsion; on a down grade they would continue as long as the grade continued.

Neither of these deficiencies in safety is necessary. It is only in the last few years that any car I owned did not have both ignition switch and hand-brake between driver and passenger. The switch on a Chevrolet 1955 pickup truck I own is in the center, the brake, unfortunately on the left side.

(3) And speaking of brakes: On modern cars with hydraulic brakes, a failure at any one of many vulnerable points on such a system, a flexible line, couplings, master or brake cylinders, throws such a system completely out of function . . . I know from one personal experience, and it is a terrifying experience, indeed.

Such equipment should be modified at least as follows:

(a) Two master cylinders, one for front brakes, the other for the rear brakes. This is being done, I believe, on a few cars now.

(b) An arrangement so that when the foot-brake went too far to the floor board, indicating trouble with the hydraulic brakes, it pulled taut on the cable of the hand brake placing it in effect. That was used for some years on one car, no longer produced; the name I forget but it was by the manufacturer of the Terraplane, also.

(4) Turn signals as used today are anything but dependable. Cars go for miles along the highway indicating a turn, with no turn intended. The little turn indicator lights are almost invisible in daytime, and to see require taking the driver's eyes off the road, a dangerous procedure. The lights on the instrument panel of both my Ford and Travelall serve little useful purpose. The clicks of the blinker may be heard in a quite environment, with windows closed. Mostly they are inaudible.

In my Travelall I have placed a small low resistance relay in series with the wiring to the turn signals. When that relay is clicking as the turn signals operate it can be heard all over that big sedan. I must confess that even that does not always register in my mind as soon as it should. But it is far better than the blinking lights on the instrument panel. If good strong lights were placed high above the instrument panel, close to the line of sight in driving, they would be of great value, coupled with loud clicking devices.

On the Ford, with 120,000 miles on it, I do not expect to keep it long, nor do I use it much, so have not made a relay for it.

I have seen much confusion and many close calls from turn signal falsification.

(5) High dividers between traffic lanes in different directions have virtue. The low curbs, 6 to 8 inches high, are a serious menace. A driver striking the low curb a glancing blow by getting too close, cannot always hold direction against the great yank against his left front wheel and I believe this is a common cause of a car suddenly, for no other apparent reason, jumping the divider and crashing headon into traffic in the opposite direction.

You may have considered all of the above thoughts. If so, I am glad. If not, I hope your Committee will do so.

Respectfully,

JOHN E. WATERS,
Captain, USNR (Retired), of Line.

(Whereupon, at 11:35 a.m., the hearing was concluded.)

